



Office of the City Clerk

The City of Morgantown

Linda L. Tucker, CMC
389 Spruce Street, Room 10
Morgantown, West Virginia 26505
(304) 284-7439 Fax: (304) 284-7525
llittle@cityofmorgantown.org

AGENDA MORGANTOWN CITY COUNCIL SPECIAL MEETING January 5, 2016 7:15 p.m.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE TO THE FLAG**
4. **APPROVAL OF MINUTES:** December 15, 2015 Regular Meeting Minutes
5. **CORRESPONDENCE:**
6. **PUBLIC HEARINGS:**
 - A. AN ORDINANCE AMENDING THE "CONCEPTUAL GROWTH FRAMEWORK MAP" AND THE "LAND MANAGEMENT MAP" OF THE 2013 COMPREHENSIVE PLAN UPDATE, ADOPTED JUNE 18, 2013, BY MODIFYING THE BOUNDARIES OF THE "ENCOURAGED GROWTH" GENERAL CONCEPT AREA ADJACENT TO THE MORGANTOWN MUNICIPAL AIRPORT AS SHOWN ON THE EXHIBITS HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.
 - B. AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION FOR 26.65 ACRES, MORE OR LESS, OF ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 15-67 BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.
 - C. AN ORDINANCE AMENDING ARTICLE 1329.02 "DEFINITIONS" OF THE PLANNING AND ZONING CODE AS IT RELATES TO SHOPPING CENTERS.

D. AN ORDINANCE AUTHORIZING THE SALE OF REAL ESTATE AT STAR CITY TAX MAP 1, PARCEL 12.1.

7. UNFINISHED BUSINESS:

- A. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE AMENDING THE "CONCEPTUAL GROWTH FRAMEWORK MAP" AND THE "LAND MANAGEMENT MAP" OF THE 2013 COMPREHENSIVE PLAN UPDATE, ADOPTED JUNE 18, 2013, BY MODIFYING THE BOUNDARIES OF THE "ENCOURAGED GROWTH" GENERAL CONCEPT AREA ADJACENT TO THE MORGANTOWN MUNICIPAL AIRPORT AS SHOWN ON THE EXHIBITS HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN. (The first reading December 1, 2015)**
- B. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION FOR 26.65 ACRES, MORE OR LESS, OF ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 15-67 BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN. (The first reading December 1, 2015)**
- C. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE AMENDING ARTICLE 1329.02 "DEFINITIONS" OF THE PLANNING AND ZONING CODE AS IT RELATES TO SHOPPING CENTERS. (The first reading December 1, 2015)**
- D. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE AUTHORIZING THE SALE OF REAL ESTATE AT STAR CITY TAX MAP 1, PARCEL 12.1. (The first reading December 15, 2015)**
- E. BOARDS AND COMMISSIONS**

8. PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION

9. **SPECIAL COMMITTEE REPORTS:**

10. **NEW BUSINESS:**

- A. Consideration of **APPROVAL** of (FIRST READING) of **AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE SANITARY SEWER PORTION OF THE EXISTING COMBINED UTILITY SYSTEM OF THE CITY OF MORGANTOWN AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$100,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2016 A (TAX EXEMPT); PROVIDING FOR THE RIGHTS AND REMEDIES OF, AND THE SECURITY FOR, THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT AND OTHER DOCUMENTS RELATING TO THE BONDS; AND ENACTING OTHER PROVISIONS WITH RESPECT TO SUCH BONDS.**
- B. Consideration of **APPROVAL** of (FIRST READING) of **AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE SANITARY SEWER PORTION OF THE EXISTING COMBINED UTILITY SYSTEM OF THE CITY OF MORGANTOWN AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$30,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2016 B (TAX EXEMPT-EXTRAORDINARY OPTIONAL CALL); PROVIDING FOR THE RIGHTS AND REMEDIES OF, AND THE SECURITY FOR, THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT AND OTHER DOCUMENTS RELATING TO THE BONDS; AND ENACTING OTHER PROVISIONS WITH RESPECT TO SUCH BONDS.**
- C. Consideration of **APPROVAL** of (FIRST READING) of **AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE SANITARY SEWER PORTION OF THE EXISTING COMBINED UTILITY SYSTEM OF THE CITY OF MORGANTOWN AND THE FINANCING OF THE COST, NOT**

OTHERWISE PROVIDED, THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$10,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2016 C (WEST VIRGINIA SRF PROGRAM); PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; APPROVING, RATIFYING AND CONFIRMING A BOND PURCHASE AGREEMENT RELATING TO SUCH BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO.

- D. Consideration of **APPROVAL** of (FIRST READING) of **AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE POTABLE WATER PORTION OF THE EXISTING COMBINED UTILITY SYSTEM OF THE CITY OF MORGANTOWN AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$40,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2016 D (TAX EXEMPT); PROVIDING FOR THE RIGHTS AND REMEDIES OF, AND THE SECURITY FOR, THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT AND OTHER DOCUMENTS RELATING TO THE BONDS; AND ENACTING OTHER PROVISIONS WITH RESPECT TO SUCH BONDS.**

11. **CITY MANAGER'S REPORT:**

New Business:

1. City Police and University Police Cooperation and Assistance Agreement
2. Request for "Year of" recognition by the City Council

12. **REPORT FROM CITY CLERK:**

13. **REPORT FROM CITY ATTORNEY:**

14. **REPORT FROM COUNCIL MEMBERS:**

15. ADJOURNMENT:

If you need an accommodation contact us at (304) 284-7439



Office of the City Manager

The City of Morgantown

City Manager

Jeff Mikorski, ICMA-CM

389 SPRUCE STREET

MORGANTOWN, WEST VIRGINIA 26505

(304) 284-7405 FAX: (304) 284-7430

www.morgantownwv.gov

City Manager's Report for City Council Meeting on January 5, 2015

New Business

1. City Police and University Police Cooperation and Assistance Agreement

The attached agreement proposes to help the Morgantown Police Department provide additional law enforcement manpower and supervision in the area around the University Greek Houses by allowing the University Police Department concurrent jurisdiction in the identified "Cooperation Zone". Morgantown Police Chief Preston and University Police Chief Roberts are both in agreement that this agreement will improve the response and supervision of law enforcement officers in the "Cooperation Zone". I agree with the Police Chiefs and recommend that Council support the agreement.

2. Request for "Year of" recognition by the City Council

The Friends of Deckers Creek and the Morgantown Green Team request consideration for 2016 to be declared as "Year To Go Green: A Path to a Cleaner Morgantown" or other similar title. Attached is their letter of request and a draft agenda for the year 2016.

Jeff Mikorski ICMA-CM,
Morgantown City Manager

**POLICE COOPERATION AND ASSISTANCE AGREEMENT
BETWEEN WEST VIRGINIA UNIVERSITY AND THE CITY OF MORGANTOWN**

THIS POLICE COOPERATION AND ASSISTANCE AGREEMENT ("Agreement") is made this January ____, 2016, by and between the West Virginia University Board of Governors on behalf of West Virginia University ("WVU") and its University Police Department ("UPD"), and the City of Morgantown on behalf of the Morgantown Police Department ("MPD").

WHEREAS, pursuant to W. Va. Code § 18B-4-5, WVU has established UPD as its law enforcement agency having an operational jurisdiction on premises under the jurisdiction of the WVU Board of Governors, including any street, road or thoroughfare, except controlled access and open country highways, immediately adjacent to or passing through WVU premises, and may assist a local law-enforcement agency in any location under the agency's jurisdiction at the request of the agency;

WHEREAS, the City of Morgantown has established MPD as its law enforcement agency with jurisdiction over criminal matters within the territorial limits of the City;

WHEREAS, MPD and UPD are both West Virginia law-enforcement agencies pursuant to W. Va. Code § 30-29-1 *et seq.* and the officers of MPD and UPD are trained and certified as duly authorized law enforcement officers pursuant to West Virginia law;

WHEREAS, a high concentration of WVU students live and socialize in Greek fraternities and sororities (collectively "Greek Houses") and the surrounding neighborhood that is located within the corporate limits of the City of Morgantown and under the jurisdiction of MPD;

WHEREAS, for purposes of this Agreement, the term "Greek Houses" shall include the facilities located at the addresses identified on Appendix A.

WHEREAS, in recognition of this particular concentration of WVU students, UPD and MPD enter into this Agreement to establish and formalize a framework through which UPD will assist MPD with preserving law and order within the area specifically defined in Appendix B ("Cooperative Zone");

WHEREAS, this Agreement shall be reviewed on a quarterly basis to evaluate the continued benefit of the Agreement; and

THEREFORE, in furtherance of the above-referenced goals and objectives, UPD and the City agree to the following:

I. Purpose

The purpose of this Agreement is to provide for the rendering of assistance between UPD and MPD pursuant to W. Va. Code § 15-10-4(a) and W. Va. Code § 18B-4-5(c)(2)(F).

II. Scope of Assistance

UPD shall assist MPD by having the primary responsibility for providing routine patrols of the Cooperative Zone, and responding to calls and complaints of civil or criminal disturbances occurring within the Cooperative Zone.

III. Authority of Personnel Rendering Aid

Subject only to Section VI, below, whenever UPD officers are rendering assistance pursuant to this Agreement, such officers shall have the same powers, duties, rights, privileges, and immunities as if they were performing their duties on University premises under the jurisdiction of the WVU Board of Governors.

IV. Responsibility for Expenses and Compensation of Employees

UPD will bear the cost of all expenses it incurs while providing the assistance contemplated by this Agreement. Further, UPD will compensate its employees during the time they are rendering such assistance. Such compensation shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such assistance. Notwithstanding this or any other provision of the Agreement, all services contemplated by this Agreement that are to be performed by UPD are contingent upon funds being appropriated or otherwise being available for the services.

V. Applicability of Privileges, Immunities, Exemptions and Benefits

All of the privileges and immunities from liability; exemption from laws, ordinances, and rules; and all insurance, relief, disability, workers' compensation, salary, death, and other benefits which apply to the activity of UPD officers or employees when performing their respective functions within the jurisdiction of the WVU Board of Governors shall apply to UPD officers or employees to the same degree, manner and extent while providing the assistance contemplated by this Agreement.

VI. Command Structure

When assistance is rendered by UPD under the terms of this Agreement, all personnel will be under the command of the Chief of UPD, or his designee. MPD, however, will retain concurrent jurisdiction over the Cooperative Zone and, to the extent that it may become necessary, UPD will defer to MPD personnel exercising its jurisdiction with respect to all or some of the Cooperative Zone.

VII. Implementation

UPD and MPD mutually agree and acknowledge that the implementation of this Agreement will likely impact other agencies or authorities within Monongalia County. Accordingly, this Agreement will be implemented as a pilot program during which time representatives of WVU, UPD, the City of Morgantown, and MPD shall meet and confer at least quarterly to evaluate the continued benefit of the Agreement and determine whether any modifications should be considered.

Upon the execution of this Agreement, representatives of UPD and MPD will promptly establish protocols for, among other things, effective investigation of criminal activity and communication plans that may be relied upon by the parties under all likely circumstances. The effectiveness of the established protocols for communication will be reviewed periodically by representatives of UPD and MPD.

VII. Information Sharing

For the purpose of enhancing interagency coordination, intelligence gathering, facilitating multijurisdictional investigations, and the like, UPD and MPD will share with the other department all relevant law enforcement records related to the Cooperative Zone that result from or are related to law enforcement within or immediately adjacent to the Cooperative Zone.

Nothing in this Agreement shall relieve UPD of (i) any responsibility or obligation imposed upon it by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (codified as 10 U.S.C. § 1092(f)), or (ii) the requirements relating to crimes on campus as articulated in W. Va. Code § 18B-4-5a.

VIII. Miscellaneous

- A. The initial term of this agreement shall be twelve (12) months; provided that by mutual agreement of the parties the term may be extended from time to time. Either party may initiate the termination of this Agreement upon thirty (30) days written notice to the other party. Following the delivery of such notice, UPD and MPD will meet and confer to determine whether open cases will remain with UPD until resolved, or will be transferred to MPD for resolution.
- B. For the avoidance of doubt, the parties do not intend for this Agreement supersede any other agreements that they may have agreed to previously; rather, this Agreement shall serve to supplement those existing agreements, if any.
- C. For the avoidance of doubt, each department shall be solely responsible for any and all claims and liability for loss, damage or injury or death of third parties caused by or attributable to its own officer engaged in activities in support of this Agreement.
- D. Pursuant to W. Va. Code § 15-10-4(d), a copy of this Agreement shall be filed in the Office of the Clerk of the Circuit Court of Monongalia County, West Virginia.

SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF, the parties have caused this document to be executed as of the date of the signatures of their duly authorized representatives.

**West Virginia University Board of
Governors, on behalf of West
Virginia University and its
University Police Department**

By _____
Its: Chief of Police

Date

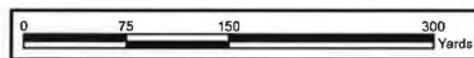
**City of Morgantown, on behalf of
the Morgantown Police Department**

By _____
Its: Chief of Police

Date

Appendix A

	Street Address for Greek Houses
Fraternity Houses	201 Belmar Avenue
	225 Belmar Avenue
	709 North High Street
	670 North High Street
	200 Belmar Avenue
	216 Belmar Avenue
	780 Spruce Street
	672 North High Street
	117 Belmar Avenue
	650 North Spruce Street
	700 North High Street
	692 North High Street
	112 Waverly Street
	299 Prospect Street
Sorority Houses	261 Willey Street
	618 Spruce Street
	506 North High Street
	652 Price Street
	265 Prospect Street
	1493 University Avenue
	552 Spruce Street





Friends of Deckers Creek



12/29/2015

Jeff Mikorski, City Manager
City of Morgantown
389 Spruce Street,
Morgantown, WV 26505

RE: City Council Declaration for 2016 to Call for an Increase in Sustainability Efforts in Morgantown

Dear Jeff:

We are writing on behalf of Friends of Deckers Creek and the Morgantown Green Team to encourage your consideration of approaching the City Council to declare 2016 the “Year to Go Green: A Path to a Cleaner Morgantown” or another similar title.

This year, Downstream Strategies and the city of Morgantown are wrapping up the third stage of the Sustainable Morgantown Initiative. In order to celebrate this and to continue the work to promote sustainability across the city, Friends of Deckers Creek and the Morgantown Green Team hope to engage the Morgantown community. We aim to do so through community outreach forums, educational workshops, and the creation of a Green Business Coalition, which will gather data from businesses to lay the groundwork to establish a Green Business Certification Program in the city.

Here are some of the goals of this declaration:

- Provide framework for range of existing and new sustainability efforts in Morgantown in 2016 and thereby raise awareness of how all are contributing to the one goal
- Expand “culture of sustainability” in Morgantown among wider range of stakeholders, including businesses and other community institutions
- Start building follow-up for Sustainable Morgantown Initiative whose Phase III ends spring 2016
- Encourage cooperation, coordination, and dialogue among city, businesses, nonprofit groups, and private citizens on sustainability with a focus on next steps and action
- Link existing and new efforts toward sustainability among environmental groups in Morgantown
- Continue to work toward environmental goals of city’s comprehensive plan, especially toward clean air, clean water, and clean energy

I've attached a tentative agenda of events that we anticipate taking place over the next year to celebrate the "Year to Go Green." We also aim to collaborate with and expand partnerships with other area green organizations to unify our message and broaden our impact.

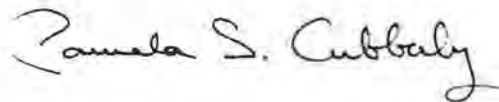
Please consider adding this letter to your City Manager's report for the City Council meeting next week on Tuesday, January 5th.

Sincerely,
Holly Purpura

A handwritten signature in cursive script that reads "Holly Purpura".

Executive Director
Friends of Deckers Creek

Pamela Cubberly

A handwritten signature in cursive script that reads "Pamela S. Cubberly".

Secretary
Morgantown Green Team

Brainstorm of Tentative Events

(Note: this calendar of events is not comprehensive, as we plan to approach other Green Organizations as well)

- **January:** Declaration by City Council of 2016 Year of [title to be decided]
- **Late January/Early February:** Celebration/Launch of "Year of" activities
 - **Formal Launch of "Year of...":** Media event with mayor, city council members, and other officials marking launch of 2016 "Year of..."
 - **Celebration of Recent Successes:** Morgantown Solar Co-op, Multi-resident Housing Energy Reduction by Landlords; Recent City Efforts to Reduce Energy Use; and ?
 - **Outreach/Expansion of Energy Use Reduction with information tables/workshops:** Possible Second Solar Coop? Recruit Citizens in Energy Audits (LTI); Green Business Council and ultimately Green Certifications; Other ideas?

Event could take place on a late Saturday afternoon/early evening as an open house with info for citizens and businesses, possibly workshops on solar coops, energy audits, multi-residence energy saving devices, and business certification

Possible title: "Sustainability Saturday: Going Green, Saving Green"?

- **February:**
 - Launch of **Winter Series of Public Forums on Key Environmental/Sustainability Topics**, with **Winter Series Forum 1**, as discussed by Holly at our last meeting.
 - Number and timing of meetings to be based on interest of other groups to participate and organize as well as Holly and Green Team's time.
- **March:**
 - **Winter Series Forum 2**
 - **FODC Rain Barrel Workshop 1**
- **April:**
 - **Green Team Third Annual Green Households Fair** or some other version of this appropriate to the 2016 "Year" ...possibly time with Earth Day?
 - **FODC Spring Meltdown** on Earth Day (Friday, April 22)
- **May:**
 - **Spring Series Forum 1**
 - **FODC Rain Barrel Workshop 2**
- **June:**
 - **Spring Series Forum 2**
 - **Summer Youth Program with Boys and Girls Club;**
 - **YAB-led Activities;**
 - **FODC Rain Barrel Workshop 3**

[Summer Hiatus or ?]

- **September:**
 - **Fall Series Forum 1**
 - **Shop at Green Businesses Day for members of the Green Business Coalition**
- **October:**
 - **Fall Series Forum 2**
 - **and ?**
- **November:**
 - **Fall Series Forum 3**
 - **and ?**
- **December Closure Activities for Year**

REGULAR MEETING December 15, 2015: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, December 15, 2015 at 7:24 p.m.

PRESENT: City Manager Jeff Mikorski, City Clerk Linda Tucker, Mayor Marti Shamberger, City Attorney Ryan Simonton, Assistant City Manager Glen Kelly and Council Members: Rone Bane, Deputy Mayor Bill Kawecki, Wes Nugent, Jenny Selin, Jay Redmond, and Nancy Ganz.

The meeting was called to order by Mayor Shamberger.

APPROVAL OF MINUTES: Minutes from the December 1, 2015 were approved by acclamation.

CORRESPONDENCE: Mayor Shamberger read a thank you to the City of Morgantown from Richard Cuning WWII survivor. Council then read letters to Santa from Eastwood Elementary Students.

PUBLIC HEARING:

AN AMENDED ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2015-2016.

Mayor Shamberger declared this Public Hearing open.

James Giuliani, 256 Prarie Avenue, asked for explanation of the rates of compensation for FY 2015-2016. Mayor Shamberger asked to suspend the rules, approved by acclamation for the City Manager to explain.

There being no other appearances, Mayor Shamberger declared the Public Hearing closed.

AN ORDINANCE AMENDING THE FY 2015-2016 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

Mayor Shamberger declared this Public Hearing open.

There being no appearances, Mayor Shamberger declared the Public Hearing closed.

UNFINISHED BUSINESS:

AN AMENDED ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2015-2016: The below entitled Ordinance was presented for second reading.

AN AMENDED ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2015-2016.

City Manager explained, motion by Kawecki, second by Ganz, to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING THE FY 2015-2016 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND:

The below entitled Resolution was presented for first reading.

AN ORDINANCE AMENDING THE FY 2015-2016 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

Motion by Ganz, second by Selin, to adopt the above entitled Ordinance. Motion carried 7-0.

BOARDS AND COMMISSIONS: City Clerk, Linda Tucker, updated Council on the Sister Cities Commission New Member Katherine Wilson needs Council approval to serve on commission. Council approved appointment by acclamation. Councilor Selin mentioned an administrator appointment for the Green Team.

PUBLIC PORTION:

Mayor Shamberger declared the Public Portion open.

Coach Steve Blinco, Morgantown High School Track, 215 Canfield Street, spoke in reference to the new track facility at Mylan and the economic impact that it would make for the area.

Michael Ryan, 266 Richland Avenue, noted that he is working with Coach Blinco on the track subcommittee and we are hoping that the community will have the opportunity to host Championships at Mylan Park.

Dave Biafora, 266 Mid-Atlantic Drive, he wished everyone a Merry Christmas and a Happy New Year, and also commented that the City Planner is not following City Code; City is turning their heads to the problems in the City and not holding anybody up to the charter. He noted that the City has been inconsistent in following their codes and that is why they are having the problems they are today.

Ching Wahyip, 1389 University Avenue, stated the City is placing a financial hardship and safety by closing two streets and having only one entrance to my property.

Vic Solomon, 75 Wall Street, also opposes the landlord building in the University Avenue area.

James Giuliani, 256 Prarie Avenue, said to Council that it is not easy to speak here in front of Council. He then stated that the City forces a resident to sell their property. He then quoted WV State Code 6-6-7 and thanked Council for allowing him to speak.

There being no other appearances, Mayor Shamberger declared the Public Portion closed.

SPECIAL COMMITTEE REPORTS: Deputy Mayor Kawecky reported Arts Collaboration will have a Workshop the first week of January with the WV Division of Cultural and History for a Grant Writing Shop. He also reported that the Chamber of Commerce along with the Arts Mon and Arts Collaborative there will be a study on the economic impact on arts in the community. Councilor Ganz reported that the Sister Cities group will have a group come in January. Councilor Selin attended a meeting about the track at Mylan Park. Mayor Shamberger noted a teleconference call about Safe Communities of America.

NEW BUSINESS:

AN AMENDED ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2015-2016: The above entitled Ordinance was presented for first reading.

AN AMENDED ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2015-2016.

City Manager explained, motion by Selin, second by Kaweck, to approve the above entitled Ordinance to second reading. Motion carried 5-2.

A RESOLUTION AUTHORIZING AN AGREEMENT WITH WEST VIRGINIA UNIVERSITY PROVIDING EDUCATIONAL ROTATION EXPERIENCES FOR SCHOOL OF PUBLIC HEALTH STUDENTS: The above-entitled Resolution was presented for first reading.

A RESOLUTION AUTHORIZING AN AGREEMENT WITH WEST VIRGINIA UNIVERSITY PROVIDING EDUCATIONAL ROTATION EXPERIENCES FOR SCHOOL OF PUBLIC HEALTH STUDENTS:

City Manager summarized, motion by Selin, second by Kaweck, to pass the above entitled Resolution. Motion carried 7-0.

A RESOLUTION AUTHORIZING THE FOLLOWING AGENTS, JEFF MIKORSKI CITY MANAGER, JAMES GOFF FINANCE DIRECTOR, LORI LIVENGOD BUDGET AND ACCOUNTING MANAGER, AND KAREN EVERLY TREASURY MANAGER, OF THE CITY OF MORGANTOWN FOR THE TRANSACTING OF FUNDS: The below entitled Resolution was presented for first reading.

A RESOLUTION AUTHORIZING THE FOLLOWING AGENTS, JEFF MIKORSKI CITY MANAGER, JAMES GOFF FINANCE DIRECTOR, LORI LIVENGOD BUDGET AND ACCOUNTING MANAGER, AND KAREN EVERLY TREASURY MANAGER, OF THE CITY OF MORGANTOWN FOR THE TRANSACTING OF FUNDS.

City Manager explained, motion by Redmond, second by Selin, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

CITY MANAGERS REPORT:

Information:

1. Art installation on the Riverfront through Morgantown River Towns

Morgantown River Towns Art Committee has received grant funds to promote art along the riverfront. The Art Committee invited artists to submit art work that would be on display at four locations. On December 2, 2015 they presented the proposed locations to the Urban Landscapes Commission. The Urban Landscape Commission approved the proposed the general locations for the art to be placed, as seen in the attached map. River Towns is requesting that City help with placing two cement slabs for the installation of the art work, additional grants may allow for reimbursement of the slab installation. The artwork will be installed by the artists.

2. Sabraton Decorations

I have been working with Sarah Robinson and a group of interested businesses and property owners to establish a plan for decorations to be placed along Route 7 through the Sabraton Business Corridor starting in 2016. The committee proposed three banner designs and a holiday light design for the area. The committee has requested that City present the three designs in a survey for interested residents, business owners, and property owners to vote for their favorite. The survey should be online after December 16, 2015. With funds already budgeted in the 2015-2016 approved budget, the City can match funds that are raised for the project. This will be a great way to promote and support the Sabraton Business Corridor.

New Business:

1. Capital Escrow Fund Modifications

The introduction of the Safe Streets and Safe Community Service Fee, will provide funds collected for the resurfacing and improvements of City Streets to be transferred from the General Fund to the Capital Escrow Fund (FY 2016 General Fund Amendment #2). I recommend the \$514,800 allocated to the Capital Escrow Fund to be budgeted for Street Improvements.

I also would like to reallocate funds within the approved Capital Escrow Fund to reflect funds leftover from projects for completing other projects or adding new projects as listed:

	Approved Budget	Remaining Funds as of 12/1/2015	Modification 12/15/2015	Revised Budget
PROJECT	FY 2015/2016			FY 2015/2016
CITY CAPITAL PROJECTS				
Fire Equipment	66,381	53890.14	150,000.00	203,8901.14
Police Equip. (Personal Protection)	25,000	14,995.00	-14,995.00	0.00
Public Works Vehicles	146,187	24,827.74	-24,827.74	0.00
Fire Department Vehicles	650,000	465,000.00	79,428.02	544,428.02
Salt Building	85,370	84,971.00	-84,971.00	0.00
Police Cruisers	208,133	42,049.00	-42,049.00	0.00
Public Works Capital Outlay	210,000	184.06	-184.06	0.00
Public Works Cleanup	22,396	22,396.00	2,159.00	
Fire Station Repairs	109,348	64,026.00		
Administrative Vehicle	19,000	1,171.50	1,171.50	0.00
Public Safety Building Plaza	49,803	10,027.22		10,027.22
Paving 2014	72,530	65,881.00	-65,881.00	0.00
Paving 2015	625,000	97,507.72	-97507.72	0.00
Paving 2016	400,000.00	400,00.00	-400,000.00	0.00

Airport Access Road	0	0	500,000.00	500,000.00
MSF – Street Improvements			514,800	514,800

A total of \$731,578.02 will be reallocated to Fire Department projects, and complete the costs of the Airport Access Road. Police vehicles/equipment and Public Works vehicles/equipment will be purchased from the capital outlay line of the general fund with revenue from the Safe Streets and Safe Community Fee.

City Manager explained the Capital Escrow Fund Modifications, motion by Ganz, second by Kawecki. Motion carried 7-0.

2. 2016 Health Plan Renewal Rates

This is the time of year that we renew the City's Health Plan rates. I am happy to report that there is no increase in premium rates for employees for the coming year. As seen in the attached summary of rates, our employee health plan is a great benefit with rates from \$7.22 to \$32.79 per pay period, depending on the coverage and family status. I recommend City Council approve the 2016 City Health Plan rates for employees and retirees.

City Manager explained the Health Plan Renewal Rates, motion by Ganz, second by Kawecki. Motion carried 7-0.

REPORT FROM CITY CLERK: City Clerk, Linda Tucker wished everyone a Merry Christmas.

REPORT FROM CITY ATTORNEY: No Report

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane thanked family and friends for their support on a health issue that he has had all is well. Councilor Bane stated that in reference to issues in the City we need to start standing up for American values. He noted his concerns on the annulment on University Avenue that it was pulled from the COW. Council needs clarification to make decisions and there are too many inconsistencies.

Deputy Mayor Kawecki:

Deputy Mayor Kawecki stated that he is upset that people prefer litigation as to cooperation we need to move the City in a more positive matter. He noted that the Traffic Commission Volunteers were berated and I am dismayed that these type of actions are occurring.

Councilor Nugent:

Councilor Nugent questioned fire access on 1389 University Avenue. He reported Wiles Hill Highland Neighborhood

Association Meeting on December 16th, 2015; Morgantown Museum Vintage Holiday from December 19th to the second week of January. He stated that yes he did sign the petition, for he needs clarity and direction from the court so that our Community can move forward.

Councilor Selin:

Councilor Selin gave an update on the Don Knotts statue. She then asked the City Manager for the status of the Zacquill Morgan statue at the Public Safety Building. Councilor Selin commented that we have a professional City Government and just because we do not agree does not merit a lawsuit.

Councilor Redmond:

Councilor Redmond stated that by nature we like to make people happy, but in our positions we can make people satisfied and I think we have all failed the past few months. The Traffic and Planning Commission Meetings hostile environment were due to mismanagement in the Engineering and Planning Departments, so therefore our volunteers are taking the heat from administration not doing their jobs. Councilor Redmond stated that the codes need to be followed and enforced. We cannot act above the law, and need to restore confidence so people can trust us again. Councilor Redmond also stated that an outside investigation for the truth is warranted.

Councilor Ganz:

Councilor Ganz commented, "hard act to follow" following Councilor Redmond's comments, considering you signed the petition against me to be in office. Councilor Ganz noted many good things have happened during the past several months. Such as: Cultural changes, recreation, airport, and many other things. She noted that she stands for American values even though she has been berated. She then reported that the Suncrest Neighborhood Association is concerned about the work that will be done on Van Voorhis and we implore the MPO to have public comments and

hearings and that the MPO Council Member needs to learn about the National Environmental Protection Agency and make sure that our neighborhood is not tore up again. Councilor Ganz suggested that in the New Year combining volunteer groups, neighborhood associations, POPSHOP etc. to instore healing to our community. She noted that the black cloud over the City comes from the litigation that is occurring. She then suggested that the neighborhood association should have activities for the community like the pot luck event at the Wiles Hill Community Center to help instore positive healing in the community. She then wished everyone a safe and happy holiday.

Mayor Shamberger:

Mayor Shamberger reported attending a skype workshop at the old Woodburn School with Bill Withers. She also attended South Hills Neighborhood Holiday potluck. She then noted that she was contacted by a member of Rosie the Riveter for the City of Morgantown to become a "Rosie City". She then thanked the City employees and volunteers for their service to the City. She then stated that the Civil Suit Hearing at 9am on December 18th, 2015 has thrown us off of our feet and we must move forward in a positive matter. She then wished everyone a Merry Christmas and a Happy New Year and looks forward to 2016. She then made these Community announcements; Old Stone House 10% off December 21st – 30th donations go to Touch & Concern; December 19th, Christmas Bird Count; December 17th – 20th Ebenezer; December 21st Blood Drive and January 18th, 2016 Martin Luther King Day Celebration.

ADJOURNMENT: There being no further items of business or discussion, motion by, second by to adjourn. Motion carried by unanimous consent at 9:20 pm.

City Clerk

Mayor

***A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS ARE AVAILABLE ON DVD AT THE MORGANTOWN CITY LIBRARY.**

Boards & Commissions Available Positions

<u>Board/Commission</u>	<u>Vacancy(s)</u>	<u>Name of Applicants</u>	<u>Res./Non Res.</u>	<u>Ward</u>	<u>Code Sec.</u>	<u>Other</u>
Morgantown Housing	1		Res/Real Estate		160.03	Advertise
Sister Cities	1		Resident		172.02	Advertise
Code Sec. Attached						
Transit Board City Appt Expires 12/31/15. Advertising for Candidates. See attached e-mail as backup.						
Urban Landscape will be updated 1st of the year, per Marchetta Maupin. (Code Sec.163)						

**Council decided on 3-21-06 by unanimous consent that if there is only one candidate for Boards & Commissions, that they will not interview; the City Clerk will check with Council before scheduling a Special Meeting.*

**BZA and Planning Commission term expirations are advertised in October and interviews must be completed by December per State Law.*

12/18/2015

Minutes Basics

An Introduction to Recording the Minutes of your Meeting:

Minutes are a record of what occurs, not what is said. Minutes should be written in the past tense, as it reflects what happened in the previous meeting. The record should reflect the order of the agenda, and discussion and action cannot deviate from the set agenda, in accordance with Governmental Open Meetings Act standards.

Notes taken at time of meeting carefully record all action taken. This can be done by the secretary of the group, or in their absence a designee of the group. Every action taken by the group is to be recorded including motions, discussions, and reports given.

Minutes are not intended to be a verbatim transcription of the meeting. Your group may use an audio recorder if you wish to accomplish this. Minutes should be written in 3rd person past tense, and should reflect neutral language at all times.

General Order for Meetings and Minutes:

- **Agenda Item** (What you would state in the minutes for this portion of the meeting)
- **Call to Order** (listing date, location of meeting and denoting start time)
- **Attendance** (listing members who are present or absent and noting visitors or special guests)
- **Approval of Minutes of the Previous Meeting** (recording the motion of acceptance)
- **Old or Unfinished Business** (recording any items, motions or discussions taking place which have carried over from the previous meeting)
- **New Business** (recording any items, motions or discussions taking place for each point of business as listed on the agenda)
- **Reports or Information** (list any speakers and the subject or information they report)
- **Adjournment** (declaring that business has been completed, and noting the time the meeting is ended)

Approval of the Previous Minutes:

- "Minutes of the [insert date] meeting were approved as printed by unanimous consent"
- The motion for the approval of minutes does not require a second and the lack of any objection to them implies unanimous acceptance.
- If a minor correction is offered and accepted denote, "approved as amended" or "with corrections".

Recording Motions:

- "Motion by [name], second by [name] to [briefly restate action to be taken]. Motion carried [insert proper language]"
- When all members agree (with either show of hands of "ayes" and no objections were raised, a motion is denoted in the minutes as "carried by unanimous consent".
- *Example:* "Motion by Smith, second by Brown to accept the report as presented by the sub-committee. Motion carried by unanimous consent."

- If a vote is taken and votes are counted, it is denoted as “motion carried 9-2, commissioners, A and B voted NO”.

Commencement and Adjournment:

- Denote in the minutes what time the meeting was called to order, along with who is present at the beginning of the meeting.
- Persons present should be listed in order of importance from Chairperson, down to secretary, and guests.
- *Example:* “The meeting of the Recycling Commission was held [location] on [date] at [time].” And, “Chairman Smith, Vice-Chair Brown, Commissioners One, Two, and Three, Secretary Jones and Mr. Roberts were present. Commissioner Four was absent.”
- The closing of the meeting should be denoted so that it is known no further business took place off the record. This statement should be the last line in the body of the minutes.
- *Example:* “There being no further items of business or discussion, the meeting adjourned by unanimous consent at [time].
- *A Discussion or Report Wording Example:*
 WRONG- “Mr. Smith said Council is wasting time and money on the branding effort and I really wish they would spend the City’s money fixing snow plows and plowing the roads instead!”
 RIGHT- “Mr. Smith expressed disappointment in the Council’s interest with branding efforts and suggested that other needs such as snow removal, be prioritized.”

Finishing and Acceptance:

- The timeline for preparing, finishing and accepting the minutes is generally as follows:
- Note-taking during the meeting; Tactfully paraphrase discussions and debates to reflect what happened. Accurately record each motion and vote.
- Draft of minutes prepared by the commission secretary may be provided to commission members prior to the next regular meeting for their consideration. This often helps to eliminate typos and speeds approval process by bringing to light any minor corrections needed in advance. This step can be taken at the group’s discretion and is not mandatory. Avoid widespread distribution of minutes before they are approved, as they are not yet an official part of the permanent record.
- Minutes are completed and presented at the next regular meeting for approval. A member of the group makes a motion to accept the minutes of the previous meeting. If there are no objections, the minutes are automatically accepted.
- Once approved, the minutes become certified by the group and may not be changed. They are an official and permanent record of a public body, and are now a public record. Anyone may request, view, read and have/make copies of any minutes, from any group- once they are approved.
- If desired by the group, the approved minutes may be signed and dated on the day of approval by the Chair or Vice-Chair person heading that meeting, further authenticating the record.

It is the responsibility of the secretary of all City Boards and Commissions to submit a copy of the approved minutes to the City Clerk’s Office immediately following a meeting. The Office of the City Clerk is required to keep a record of the meetings of the City’s various Boards and Commissions.

City Clerk Linda Little: llittle@cityofmorgantown.org

Deputy Clerk Bethany Sypolt: bsypolt@cityofmorgantown.org

Phone: 304-284-7439 Fax: 304-284-7525

Office of the City Clerk

Located in City Hall, Room 10 (3rd Floor)

389 Spruce Street, Morgantown, WV 26505

Linda Tucker

From: Linda Tucker
Sent: Thursday, December 03, 2015 1:56 PM
To: City Council.GOV
Cc: Moncom@aol.com; bruffy@busride.org; Chelsi Baker
Subject: RE: (no subject)

Mayor and Council, when reviewing the Transit Board Members I found that Jenny Dinsmore (City Appt), Jim Manilla (County Appt) and Clement Solomon(Joint Appt) expires on December 31, 2015. Dave Bruffy is asking if member wish to continue to serve and Diane will do the same. I will also advertise for candidates and if we get any candidates Council will interview at a Special Meeting. If there are No candidates and those serving wish to continue Council will re-appoint.

Thank you,

City Clerk☺

Linda Tucker

From: Moncom@aol.com
Sent: Thursday, December 03, 2015 12:09 PM
To: bruffy@busride.org; Linda Tucker
Subject: (no subject)

Dave and Linda,

I've checked my roster. The term of Jim Manilla, as the Commission's representative does expire December 31. The joint appointment of Clement Solomon also expires on that date.

The Commission will need a letter from each of them that they desire to continue. We also post openings on our web site giving others the opportunity to apply if they choose.

Thanks.

Diane

Linda Tucker

From: Maria Smith <MariaSmith@busride.org>
Sent: Wednesday, December 02, 2015 2:57 PM
To: Linda Tucker
Subject: RE: Mountain Line Recognizes Outstanding Employees in October

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Linda,

Below is the current status of all of our board members:

Appointed by		Current Term	Officers	
County	2010-2012	2013-2015		Jim Manilla ✓
County	2011-2013	2014-2016		Terri Cutright
County	2012-2014	2015-2017	V.P.	David Flynn
City	2010-2012	2013-2015	President	Jenny Dinsmore ✓
City	2011-2013	2014-2016	Treasurer	Ron Bane
City	2012-2014	2015-2017	Secretary	Denny Poluga
Joint	2010-2012	2013-2015		Clement Solomon ✓

Please let me know if you need any additional information.

Thanks,
Maria

maria smith
marketing officer

mountain line transit
420 dupont road
morgantown, wv 26501

e: mariasmith@busride.org
w: busride.org
fb: [mountainline](https://www.facebook.com/mountainline)
t: [mountainline](https://www.instagram.com/mountainline)
g: google trip planner <http://google/maps/Qu88h>

p: 304.296.3680
f: 304.291.7429

From: Linda Tucker [<mailto:ltucker@morgantownwv.gov>]
Sent: Wednesday, December 02, 2015 11:01 AM
To: Maria Smith
Subject: RE: Mountain Line Recognizes Outstanding Employees in October

Maria, could you check on a Board Member for me and their expiration date? I have 2014 on my list for David Flynn. Thank you☺

Linda Tucker

From: David Bruffy <Bruffy@busride.org>
Sent: Thursday, December 03, 2015 9:49 AM
To: Linda Tucker
Cc: Moncom@aol.com
Subject: RE: Board Appointees

The original terms are staggered and in three year terms. If there was an appointment made in an off year, it wouldn't be for three years, it would only be for the balance of time remaining in a particular term. In this manner, the Authority will never have more than two, new Board Members in one year, excepting when the Joint Appointment expires. In that year, there could be three new members. The Terms were set by the Intergovernmental Agreements the City and County approved when they created the Authority in 1996. Hope that helps.

David Bruffy, CCTM
General Manager
Mountain Line Transit Authority
420 DuPont Road
Morgantown, WV 26501
Bruffy@busride.org
WWW.BUSRIDE.ORG
www.Twitter.com/MountainLine
www.Facebook.com/MountainLine
<http://www.linkedin.com/pub/dave-bruffy/10/137/488>
(304) 296-3680 Office
(304) 291-7433 Route Information
(304) 291-7429 FAX

From: Linda Tucker [mailto:ltucker@morgantownwv.gov]
Sent: Thursday, December 03, 2015 9:27 AM
To: David Bruffy
Cc: Moncom@aol.com
Subject: RE: Board Appointees

David, I think the County Commission already approved that last year? I have 2017 on my list? Diane can you check your records also☺

From: David Bruffy [mailto:Bruffy@busride.org]
Sent: Thursday, December 03, 2015 9:19 AM
To: CityClerk@morgantown.com
Subject: Board Appointees

Linda,

I am writing to request reappointment of Board Member Jenny Dinsmore, whose three year term expires in December. Jenny has been an active member of the Board with regular attendance and she currently serves as the

Authority Board President. I would also request reappointment of Clement Solomon. He is finishing the unexpired term of Hugh Kierig and that term ends at the end of this month as well.

Thank you for your assistance and if you have any questions, please let me know.

Sincerely,

David Bruffy, CCTM
General Manager
Mountain Line Transit Authority
420 DuPont Road
Morgantown, WV 26501
Bruffy@busride.org
WWW.BUSRIDE.ORG
www.Twitter.com/MountainLine
www.Facebook.com/MountainLine
<http://www.linkedin.com/pub/dave-bruffy/10/137/488>
(304) 296-3680 Office
(304) 291-7433 Route Information
(304) 291-7429 FAX

ARTICLE 1389
Board of Zoning Appeals

1389.01	Establishment.	1389.04	Conditional uses.
1389.02	Powers and duties.	1389.05	Judicial review.
1389.03	Variances.		

CROSS REFERENCES

Charter provisions - see CHTR. 6.01
Statutory provisions - see W. Va. Code Art. 8A-8

1389.01 ESTABLISHMENT.

(A) The Board of Zoning Appeals is hereby established and shall consist of five members to be appointed by City Council, all of which shall be residents of the City and three-fifths of such members shall have been residents of the City for at least three years prior to the time of their appointment.

(B) No member of the Board of Zoning Appeals shall be a member of the Planning Commission nor shall any member hold any other elective or appointive office in the City of Morgantown.

(C) The members of the Board shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their official duties. If a vacancy occurs by resignation or otherwise among the members of the Board of Zoning Appeals, City Council shall appoint a member for the unexpired term.

(D) City Council may appoint up to three additional members to serve as alternate members of the Board who shall meet the same eligibility requirements as regular Board members. The term for an alternate Board member shall be three years and Council may appoint alternate members on a staggered term schedule.

(E) An alternate Board member shall serve on the Board when one of the regular members is unable to serve. The alternate Board member shall serve until a final determination is made in the matter to which the alternate member was initially called on to serve.

(F) The Board of Zoning Appeals shall establish rules and procedures for designating an alternate member who shall have the same powers and duties as a regular Board member.

(G) Any decision of the City Manager in the enforcement of this ordinance may be appealed to the Board by any person claiming to be adversely affected by such decision.

1389.02 POWERS AND DUTIES.

The Board shall have the following powers and it shall be its duty to:

- (A) Hear, review and determine appeals from any order, requirement, decision or determination made by the City Manager in the enforcement of this ordinance;
- (B) Authorize exceptions to the district rules and regulations only in the classes of cases or in particular situations, as specified in this ordinance;
- (C) Hear and decide conditional uses upon which the Board is required to act under this ordinance;
- (D) Authorize, upon appeal in specific cases, a variance from the terms of this ordinance;
- (E) Reverse, affirm or modify the order, requirement, decision or determination appealed from and have all the powers and authority of the City Manager from whom the appeal was taken;
- (F) Adopt rules and regulations concerning:
 - (1) The filing of appeals, including the process and forms for the appeal;
 - (2) Applications for variances and conditional uses;
 - (3) The giving of notice;
 - (4) The conduct of hearings necessary to carry out the Board's duties as authorized by State law;
 - (5) Keep minutes of its proceedings;
 - (6) Keep an accurate and complete audio record of all the Board's proceedings and official actions and keep the audio record in a safe manner, accessible within twenty-four hours of demand, for three years;
 - (7) Record the vote on all actions taken;
 - (8) Take responsibility for the custody and preservation of all papers and documents of the Board, which shall be filed in the Planning Office and made public record;
 - (9) With consent from City Council, hire employees necessary to carry out the duties and responsibilities of the Board, provided that Council sets the salaries; and
- (G) Supervise the fiscal affairs and responsibilities of the Board.

1389.03 VARIANCES.

(A) No variance in the application of the provisions of this ordinance shall be made by the Board relating to buildings, land or premises now existing or to be constructed, unless after a public hearing, the Board shall find that the variance:

- (1) Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- (2) Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;

- (3) Would eliminate an unnecessary hardship and permit a reasonable use of the land; and,
- (4) Will allow the intent of the Zoning Ordinance to be observed and substantial justice done.

(B) In the case where a variance is denied by the Board, said application shall not be eligible for re-submittal for one (1) year from the date of said denial. A new application must be, in the opinion of the Board of Zoning Appeals, substantially different from the application denied, or conditions must have substantially changed for the new proposal to be eligible for consideration within one (1) year from said date of denial.

1389.04 CONDITIONAL USES.

(A) No conditional use application under the terms of this Ordinance shall be made by the Board unless after a public hearing the Board shall find that the conditional use is within the fitting character of the surrounding area and is consistent with the spirit, purpose, and intent of the Zoning Ordinance, because:

- (1) Congestion in the streets is not increased;
- (2) Safety from fire, panic, and other danger is not jeopardized;
- (3) Provision of adequate light and air is not disturbed;
- (4) Overcrowding of land does not occur;
- (5) Undue congestion of population is not created;
- (6) Granting this request will not create inadequate provision of transportation, water, sewerage, schools, parks, or other public requirements;
- (7) Value of buildings will be conserved; and,
- (8) The most appropriate use of land is encouraged.

(B) Each applicant must give their own response to these statements as a basis for the Board's evaluation of the request.

1389.05 JUDICIAL REVIEW.

Every decision or order of the Board of Zoning Appeals shall be subject to review by certiorari. Any person or persons jointly or severally aggrieved by any decision or order of the Board of Zoning Appeals may present to the Circuit Court of the County of Monongalia a petition duly verified, setting forth that such decision or order is illegal in whole or in part, and specifying the grounds of the alleged illegality. The petition must be presented to the Court within thirty (30) days after the date of the decision or the order of the Board of Zoning Appeals complained of.

CHAPTER SEVEN - Boards and Commissions

- Art. 145. Planning Commission.
- Art. 147. Water Commission.
- Art. 149. Board of Park and Recreation Commissioners.
- Art. 151. Traffic Commission.
- Art. 153. Human Rights.
- Art. 155. Parking Authority.
- Art. 156. Metropolitan Theatre Commission.
- Art. 157. Sanitary Board.
- Art. 159. Library Board.
- Art. 160. Housing Advisory Commission.
- Art. 161. Housing Authority. (Repealed)
- Art. 162. Woodburn School Redevelopment Commission.
- Art. 163. Urban Landscape Commission.
- Art. 165. Citizens Advisory Committee. (Repealed)
- Art. 167. Historic Landmarks Commission.
- Art. 168. Museum Commission.
- Art. 169. Utility Board.
- Art. 170. Greater Morgantown Metropolitan Area Youth Commission. (Repealed)
- Art. 171. Building Commission.
- Art. 172. Morgantown Sister Cities Commission.
- Art. 175. Employment Provisions.
- Art. 177. Employees' Retirement and Benefit Fund.

ARTICLE 145

Planning Commission

- | | | | |
|--------|---|--------|-----------------------------------|
| 145.01 | Established. | 145.05 | Offices, facilities and expenses. |
| 145.02 | Composition and membership;
vacancies. | 145.06 | Meetings; quorum. |
| 145.03 | Original appointments. | 145.07 | Powers and duties. |
| 145.04 | Officers. | 145.08 | Purpose of article. |

CROSS REFERENCES

- Authority to establish - see CHTR. Sec. 6.01
- Comprehensive Plan - see CHTR. Sec. 6.02
- Vacancies - see CHTR. Sec. 6.04
- State law provisions - see W. Va. Code Art. 8-24-5 et seq.
- President to serve on Traffic Commission - see ADM. 151.02

145.01 ESTABLISHED.

There is hereby created and established a City Planning Commission.
(1967 Code Sec. 2-74)

145.02 COMPOSITION AND MEMBERSHIP; VACANCIES.

The Planning Commission of the City shall consist of nine members, all of whom shall be freeholders and residents of the City, who shall be qualified by knowledge and experience in matters pertaining to the development of the City and who shall include representatives of business, industry and labor. Three-fifths of all members shall have been residents of the Municipality for at least one year prior to nomination and confirmation or appointment. All members shall be nominated by the City Manager and confirmed by Council.

One member of the Commission shall also be a member of Council, and one member shall also be a member of the administrative department of the City. The term of these two members shall be coextensive with the term of office to which each has been elected or appointed, unless the City Manager and Council, at the first regular meeting each year, appoint others to serve as the City's representatives. The remaining seven members shall be appointed for terms of three years each, except those members first appointed, as provided in Section 145.03, one member being appointed from each ward of the City. Vacancies shall be filled by appointment in the same manner for the unexpired term only. Members of the Commission shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.
(Ord. 89-43. Passed 10-17-89.)

145.03 ORIGINAL APPOINTMENTS.

For the original appointment of the seven members of the City Planning Commission provided for in Section 145.02, three members shall be appointed for one year, two members for two years and two members for three years.
(1967 Code Sec. 2-76.)

145.04 OFFICERS.

At its first regular meeting in each year, the City Planning Commission shall elect from its members a president and vice-president. It shall designate a member of the Commission to act as an advisory member of the County Planning Commission.
(1967 Code Sec. 2-77.)

145.05 OFFICES, FACILITIES AND EXPENSES.

Council shall provide the City Planning Commission with suitable offices and facilities and shall provide by appropriation a sum sufficient to defray the reasonable expenses of the Commission to enable it to carry out its duties.
(1967 Code Sec. 2-78.)

145.06 MEETINGS; QUORUM.

The City Planning Commission shall fix the time for holding regular meetings, but it shall meet at least once in the months of January, April, July and October.

The provisions of West Virginia Code 8-24-8 and 8-24-9 shall govern special meetings and quorums. (1967 Code Sec. 2-79.)

ARTICLE 147
Water Commission

EDITOR'S NOTE: Former Article 147 was repealed August 16, 1988. The management and control of the Municipal waterworks system has been transferred to the Utility Board established under Article 169.

ARTICLE 149
Board of Park and Recreation Commissioners

149.01	Established.	149.07	Powers.
149.02	Membership; term.	149.08	Use of properties.
149.03	Vacancy.	149.09	Facilities to be maintained.
149.04	Oath; president; vice president; secretary.	149.10	Rules and regulations; legal counsel.
149.05	Compensation.	149.11	Fees.
149.06	Office; employees.	149.12	Appropriation of moneys.

CROSS REFERENCES

Authority to establish - see CHTR. Sec. 4.02
Board of Park and Recreation Commissioners - see W. Va. Code
Art. 8-21

149.01 ESTABLISHED.

A Board of Park and Recreation Commissioners is hereby established. The Board shall be a public corporate body with perpetual existence and a common seal. It shall be known as the Board of Park and Recreation Commissioners of Morgantown, West Virginia. It shall have the power to receive any gift, grant, donation, bequest or devise in its own name or in the name of the City; sue and be sued; contract and be contracted with; and do any and all things and acts which may be necessary, appropriate, convenient or incidental to carry out and effectuate the purposes and provisions of this article.
(Ord. 5-19-81.)

149.02 MEMBERSHIP; TERM.

The Board of Park and Recreation Commissioners shall consist of seven members, a majority of whom shall constitute a quorum for the transaction of business. Each member of the Board must be a resident of the City. The appointment of the members thereof shall be by Council. Membership on Council shall not disqualify any member from being appointed to the Board. Two members of Council, if otherwise qualified, may be appointed to the Board. The term of the Board membership of any such member of Council so appointed shall continue during his term as a member of Council and until his successor is appointed or elected and qualified. The terms of other appointed members shall be for six years, except for the initial appointment as hereinafter stated, and until their successors have been duly appointed and qualified. Council shall appoint the members of the Board, such first appointees to serve, one for a term of six years, two for a term of four years, and two for a term of two years. The date upon which the terms of such Board members shall end shall be the 30th day of June. When any member of the Board, during his term of office, shall cease to be a resident of the City, he shall thereby be disqualified as a member of the Board and his office shall thereupon become vacant. (Ord. 05-20. Passed 6-21-05.)

(NOTE: The next printed page is page 59.)

149.03 VACANCY.

When a vacancy occurs on the Board of Park and Recreation Commissioners by reason of death, resignation, change of residence from the City, expiration of the term or due to any other cause, Council shall appoint a successor or successors, or if there should be no members left on the Board, Council shall appoint successors, and in either event, the appointments shall be for the unexpired term or terms. (Ord. 5-19-81.)

149.04 OATH; PRESIDENT; VICE PRESIDENT; SECRETARY.

(a) After appointment, the members of the Board of Park and Recreation Commissioners shall qualify by taking and filing with the Clerk of the City the oath prescribed by law for public officials, and they shall not be permitted to serve upon the Board until they have so qualified. If any member of the Board shall fail to so qualify on or before the date upon which he should assume the duties of his office, a vacancy shall exist which shall be filled as provided in Section 149.03.

(b) At the first meeting held after the first Board has been appointed, as hereinbefore provided, and thereafter at the first meeting in July of each year, the members of the Board shall organize by electing one of their number president, and another vice president and by electing a secretary who need not be a member of the Board. The secretary shall keep an accurate record of all the fiscal affairs of the Board, and shall keep a minute book in which he shall record the proceedings and transactions of each meeting of the Board. The secretary shall be paid such compensation for his services as the Board shall fix from year to year. The City Finance Director shall be ex-officio treasurer of the Board, and he shall take the oath prescribed by law and shall furnish such bond as may be required by the Board. (Ord. 5-19-81.)

149.05 COMPENSATION.

The members of the Board of Park and Recreation Commissioners shall receive no compensation for their services but they shall be entitled to reimbursement for all reasonable and necessary expenses actually incurred in the performance of their duties as members of the Board. They shall not be personally interested, directly or indirectly, in any contract entered into by the Board, or hold any remunerative position in connection with the establishment, construction, improvement, extension, development, maintenance or operation of any of the property under their control as members of the Board. (Ord. 5-19-81.)

149.06 OFFICE; EMPLOYEES.

Council shall furnish the Board of Park and Recreation Commissioners an office in a City building where it may hold its meetings and keep its records. The Board shall have complete and exclusive control and management of all of the properties which shall be operated in connection with the public park and recreation system for the City, and shall have power to employ such persons as, in its opinion, may be necessary for the establishment, construction, improvement, extension, development, maintenance or operation of the property under its control, at such wages or salaries as it shall deem proper, and shall have full control of all employees. (Ord. 5-19-81.)

149.07 POWERS.

The Board of Park and Recreation Commissioners is hereby granted the power and authority to acquire in its name upon approval of Council or in the name of the City by purchase, lease or by exercise of the power of eminent domain, or otherwise, such land or lands as it shall determine to be necessary, appropriate, convenient or incidental to the establishment, construction, improvement, extension, development, maintenance or operation of a system of public parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks or arenas and other public park and recreational facilities for the City, whether of a like or different nature. (Ord. 5-19-81.)

149.08 USE OF PROPERTIES.

The Board of Park and Recreation Commissioners is hereby empowered and authorized to take title in the name of the City, or in its own name, to all real and personal property acquired by it for the use of the public or useful to the public in the establishment, construction, improvement, extension, development, maintenance or operation of all public parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks or arenas and all other public park and recreational facilities for the City, whether of a like or different nature, and shall manage and dispose of the same as, in its opinion, will best serve the interests of the public in carrying out the purposes of this article, provided, however, that the Board shall not acquire title or dispose of land in its own name without approval of Council. The City and all other public bodies owning real property intended to be used for public parks and recreation are hereby authorized to let same for use of the Board, upon approval by Council, to be held by it for such purposes, and the Board is hereby authorized to receive the same. Nothing contained in this article shall be construed as limiting the Board from going beyond the corporate limits of the City, anywhere within the State, to lease, purchase or otherwise acquire, in the name of the City, or its name, upon approval of Council, any real property for the purposes herein set forth. The Board shall have the right to recommend the sale, upon approval by Council, such part of the real property that it may acquire by gift, devise, purchase or otherwise in its own name or the name of the City, as it may determine to be of no advantage in the establishment, construction, improvement, extension, development, maintenance or operation of the public parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks or arenas and other public park and recreational facilities, whether of a like or different nature; except that the Board shall have the power and authority to recommend such sales and conveyances of real property with approval of Council, as may be necessary, appropriate or convenient to enable the City to obtain the benefits of West Virginia Code Article 8-16 or any other similar act or legislative authorization. Under no circumstances shall any of such real property be sold or conveyed except by unanimous vote of all of the members of the Board and with approval of Council. All deeds conveying the real property of the Board shall be executed by the City, or, if in the name of the Board by its president or vice president, and shall have its seal affixed and shall be duly attested by its secretary. (Ord. 5-19-81.)

149.09 FACILITIES TO BE MAINTAINED.

The Board of Park and Recreation Commissioners shall have the necessary appropriate, convenient and incidental powers and authority to manage and control all public parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks or arenas and other public park and recreational

facilities of all kinds used as a part of the public park and recreation system or as a means of maintaining places of beauty, education and promoting the health, property, lives, decency, morality and good order of the general public, and particularly of the inhabitants of the City and vicinity; to abate or cause to be abated all nuisances affecting same; to regulate or prohibit the selling of any article, goods, wares or merchandise within the park and recreation system so designated; to regulate or prohibit the placing of signs, billboards, posters and advertisements within the park and recreation system as so designated, or the grounds immediately adjacent thereto; to have the same kept in good order and free from obstruction for the use and benefit of the public; to restrict and prohibit vagrants, mendicants, beggars, tramps, prostitutes or disorderly individuals therefrom; to establish, construct, improve, extend, develop, maintain and operate such parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks or arenas and other public park and recreational facilities, whether of a like or different nature, on any grounds controlled by the Board; to acquire for public use by lease or otherwise lands either within or without the corporate limits of the City; to cause any public street, avenue, road, alley, way, bridle path or walkway, which is a part of the public park and recreation system, to be graded, drained and surfaced; to construct, maintain and operate all necessary sewers and water lines in connection with the public park and recreation system; and to do any and all other things or acts which may in any way be necessary, appropriate, convenient or incidental to the use and enjoyment of the public park and recreational system by the general public as a place or places of beauty, education, entertainment and recreation.

(Ord. 5-19-81.)

149.10 RULES AND REGULATIONS; LEGAL COUNSEL.

In order to accomplish the foregoing purposes, the Board of Park and Recreation Commissioners is hereby empowered and authorized to promulgate, and amend from time to time, such rules and regulations as may be necessary, appropriate, convenient or incidental thereto. After codification of such rules and regulations, or any amendments thereto, by ordinance of Council which may provide penalties for a violation thereof, which codification is hereby authorized, the Board shall enforce the same by appropriate proceedings in any proper tribunal of this State, or any county, district or municipality thereof; and shall employ such police officers as it shall deem proper and necessary. The City Attorney shall be the official counsel for the Board and shall advise it on all legal matters, but the Board may, in its own discretion, employ other or additional counsel. (Ord. 5-19-81.)

149.11 FEES.

The Board of Park and Recreation Commissioners may make reasonable charges to the public for the privilege of using any of the recreational facilities provided in the park and recreation system and may use the funds so received for the purpose of establishing, constructing, improving, extending, developing, maintaining or operating the park and recreation system. (Ord. 5-19-81.)

149.12 APPROPRIATION OF MONEYS.

In carrying out the purposes of this article, the Board of Park and Recreation Commissioners is hereby empowered and authorized to receive and disburse for such purposes, any moneys appropriated to it by Council, together with any other funds which may come into its hands by gift, grant, donation, bequest, devise or from its own operation or otherwise.

(Ord. 5-19-81.)

ARTICLE 151 Traffic Commission

- | | |
|------------------------------------|---|
| 151.01 Established. | 151.03 Officers and rules of procedure. |
| 151.02 Composition and membership. | 151.04 Duties. |

CROSS REFERENCES

Authority to establish - see CHTR. Sec. 4.02

151.01 ESTABLISHED.

There is hereby established and created a Traffic Commission for the City, the official name of which shall be "The Morgantown Traffic Commission".
(Ord. 15-09. Passed 2-17-15.)

151.02 COMPOSITION AND MEMBERSHIP.

(a) The Traffic Commission shall be composed of: a member of Council; one resident from each of the City wards; one resident at-large to represent bicycling; one resident at-large to represent walking; and one Planning Commission member. All ward, at-large and Planning Commission members shall be appointed by Council. Ex-officio Commission members of the Traffic Commission shall include the Police Chief, or his/her designee; the City Engineer, or his/her designee; the WVU Parking Director/Planner or his/her designee; the Director of the Morgantown Board of Park and Recreation Commissioners (BOPARC) or his/her designee; the Director of the Mountain Line Transit Authority or his/her designee; and the Director of the Morgantown Monongalia Metropolitan Planning Organization (MMMPO) or his/her designee.

(b) The ex-officio members shall serve without any specific term and shall serve by virtue of their office, enjoying all rights of membership except a vote. Each Council and Planning Commission members shall serve until his or her current respective term on Council or Planning Commission expires.

(c) The members appointed by ward residency, and the at-large members shall each serve for a term of three years. (Ord. 15-09. Passed 2-17-15.)

151.03 OFFICERS AND RULES OF PROCEDURE.

(a) The City Engineer shall call the first meeting of the Traffic Commission. The Commission shall meet at least once a month, and shall select from its own membership a chairperson.

(b) The Commission shall adopt its own rules of procedure and shall keep minutes of regular and special meetings.
(Ord. 15-09. Passed 2-17-15.)

151.04 DUTIES.

The duties of the Traffic Commission shall be to receive citizen input pertaining to traffic issues and to act as an advisory to City Council on matters relating to:

- (a) The movement and regulation of motor vehicles, bicycles and pedestrians within the City.
- (b) The coordination of traffic activities.
- (c) Educational activities in traffic matters.
- (d) The ways, means and methods of improving traffic conditions within the City; and
- (e) The administration and enforcement of traffic regulation. The Commission shall receive such reports and information as deemed necessary by City Administration. The Commission may request the assistance and advice of any other department or official of the City. The City Engineer shall provide primary services for agendas, minutes, studies and implementation of tasks resulting from Commission actions.

(Ord. 15-09. Passed 2-17-15.)

ARTICLE 153 Human Rights

- | | |
|--|---|
| 153.01 Declaration of policy.
153.02 Definitions.
153.03 City Human Rights Commission established.
153.04 Composition and membership.
153.05 Officers. | 153.06 Meetings, bylaws and rules.
153.07 Commission status and objectives.
153.08 Powers; functions; services.
153.09 Complaints; procedures. |
|--|---|

CROSS REFERENCES

Authority to prohibit housing discrimination - see
 W.Va. Code 8-12-9
 State Human Rights Commission - see W.Va. Code Art. 5-11
 Local human relation commission - see W.Va. Code 5-11-1

153.01 DECLARATION OF POLICY.

In order to build an inclusive community, the City will dedicate deliberate and continuous attention to the human relations and human rights of its residents and visitors.

It is the public policy of the City to provide all of its residents equal opportunity for participation in local governance, employment, equal access to places of public accommodations and equal opportunity in the sale, purchase, lease, rental and financing of housing accommodations or real property. Equal opportunity in the areas of employment, public accommodations, housing accommodations or real property is hereby declared to be a human right or civil right of all persons without regard to race, religion, color, national origin, ancestry, sex, age, blindness or handicap.

The denial of these rights to properly qualified persons by reason of race, religion, color, national origin, ancestry, sex, age, blindness, handicap or familial status is contrary to the principles of freedom and quality of opportunity and is destructive to a free and democratic society.

This City policy is based on the recognition and vision that the diversity found in our city brings forth richness in our community, a greater understanding of our world, a multitude of talent to benefit collective needs, and an opportunity for enhanced living and learning for all. Inherent in this policy is a commitment to encourage and endeavor to bring about equal opportunity, mutual understanding and respect for persons of all ages, abilities, ancestry, blindness, color, disability or handicap, ethnicities, familial status, national origins, sex, sexual orientations, races, religion and other backgrounds or orientations.
 (Ord. 12-34. Passed 7-17-12.)

153.02 DEFINITIONS.

When used in this article:

- (a) "Person" means one or more individuals, partnerships, associations, organizations, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers and other organized groups of persons.
- (b) "Commission" means the Human Rights Commission of the City.
- (c) "Inclusive City" and "Inclusive Community" as used in this article, shall mean the same thing, e.g., a city that helps people thrive by: supporting hospitality; welcoming diversity; promoting civility; promoting safe, affordable dwellings; enabling participation in community, services, and local government; supporting fairness in access to opportunities and services; reducing violence; supporting social justice; encouraging awareness and understanding of opportunities/limitations; making residents aware of the West Virginia Human Rights Commission; and working for a more sustainable community for present and future citizens.
- (d) "Discriminate" or "discrimination" means to exclude from, or fail or refuse to extend to, a person equal opportunities in employment, public accommodations, housing, or other real property transactions because of race, religion, color, national origin, ancestry, sex, age, blindness, disability, sexual orientation or familial status. Discriminate includes to separate or segregate based on any of these characteristics.
- (e) "Race, religion, color, national origin, ancestry, sex, age, blindness, handicap or disability, and familial status" are defined herein to be equivalent to the definitions in the West Virginia Human Rights Act, Code 5-11-3.
- (f) "Sexual orientation" means having a preference for heterosexuality, homosexuality, being transgendered, or bisexuality, having a history of such preference or being identified with such preference.
- (g) "National League of Cities" means the National League of Cities and its various institutes and programs which relate to diversity in municipal populations throughout the United States and to efforts to support development of more equitable and sustainable communities.
- (h) "Neighborhood Coordinating Council" means the inter-neighborhood entity established by the City in 2005 to facilitate information exchange between the City administration and neighborhoods and among neighborhood organizations within the City.
- (i) "Sister City Program" means a national intercultural exchange program established in 1956 to promote global cooperation and intercultural understanding at the municipal level; stimulate connections, competitiveness and collaboration as well as development in a global market; and support citizen diplomacy on the part of individuals of all ages. The City of Morgantown has established a Sister Cities Commission to support its Sister City relationships established since 1978.
- (j) "Martin Luther King Day" celebrations means special observances related to the national holiday to celebrate respect for individuals of all backgrounds and origin.
- (k) "Teen Court" program means the Teen Court Program established by resolution August 2007.
- (l) "Youth Commission" means the Youth Commission of the City established by ordinance. (Ord. 12-34. Passed 7-17-12.)

153.03 CITY HUMAN RIGHTS COMMISSION ESTABLISHED.

There is hereby established in the City a Human Rights Commission.
(Ord. 12-34. Passed 7-17-12.)

153.04 COMPOSITION AND MEMBERSHIP.

The Human Rights Commission shall consist of seven members to be appointed by City Council. The members shall be residents of and in the City. The Commission may appoint, with the approval of City Council, ex-officio members who shall have the privilege of participation without the right to vote.

Commissioners shall serve for two-year terms beginning with the first meeting after the beginning of the municipal fiscal year. Four of the first seven members shall be appointed to serve terms of two years, while three shall be appointed to serve terms of one year.

Thereafter, terms of office for all commissioners will be staggered with two-year terms. Members may be reappointed to subsequent two-year terms.

(Ord. 12-34. Passed 7-17-12.)

153.05 OFFICERS.

(a) Officers: The officers of the Human Rights Commission shall be a Chairperson, Vice Chairperson, and Secretary. The Chairperson shall serve as the liaison to the City administration.

(b) Appropriation of Funds: City Council may appropriate any funds that it deems necessary to carry out any of the proposals set forth by the Human Rights Commission. The Commission, with the approval of Council, may apply for State and Federal financial aid in grants or other forms of financial assistance through the City Administration to assist in carrying out any approved plans or projects.

(c) Fiscal Responsibilities: The Human Rights Commission shall not have the authority to maintain any independent banking or other financial account. Any such account, if requested, shall be maintained by the City Manager.
(Ord. 12-34. Passed 7-17-12.)

153.06 MEETINGS, BYLAWS AND RULES.

The Human Rights Commission shall meet as often as is deemed necessary by its members, upon call of the chairman. The Commission shall adopt its own bylaws and rules, subject only to the action of Council.

(Ord. 12-34. Passed 7-17-12.)

153.07 COMMISSION STATUS AND OBJECTIVES.

The Commission shall encourage and endeavor to bring about mutual understanding and respect among all racial, religious and ethnic groups within the City; and shall strive to eliminate all discrimination in employment and places of public accommodations by virtue of race, religion, color, national origin, ancestry, sex, age, blindness, sexual orientation or disability, and shall strive to eliminate all discrimination in the sale, purchase, lease, rental or financing of housing and other real property by virtue of race, religion, color, national origin, ancestry, sex, age, blindness, sexual orientation or disability.

In addition, the purpose of the Commission shall be to:

- (a) Work to make Morgantown an inclusive city.
- (b) Collaborate with the National League of Cities, West Virginia University, Monongalia County Commission and other partners as appropriate to encourage leadership in helping attain inclusivity in the City and its larger community.
- (c) Assess needs and identify barriers towards becoming a more inclusive community. Establish goals and objectives for sustaining welcoming environments, enhancing global awareness, and promoting optimum opportunities for supporting safe housing and thriving people.
- (d) Support as well as plan, publicize, implement, and evaluate programs, services and activities which promote appreciation for all peoples and the personal worth of every individual.
- (e) Enlist the cooperation of civic, community, corporate, educational, ethnic, health care, labor, racial, religious, social justice or other identifiable groups of the City in programs and services devoted to the advancement of tolerance, communication and understanding, and equal protection of the laws of all groups and people.

(Ord. 12-34. Passed 7-17-12.)

153.08 POWERS; FUNCTIONS; SERVICES.

The Commission has the right and duty to communicate with City Council and to present to Council any issues that it has investigated pursuant to this article.

The Commission is hereby authorized and empowered:

- (a) To cooperate and work with federal, state and local government officers, units, activities and agencies in the promotion and attainment of more harmonious understanding and greater equality of rights between and among all racial religious and ethnic groups in this City.
- (b) To enlist the cooperation of racial, religious and ethnic units, community and civic organizations, industrial and labor organizations and other identifiable groups of the City in programs and campaigns devoted to the advancement of tolerance, understanding and the equal protection of the laws of all groups and people.
- (c) To hold and conduct public hearings or meetings relating to any and all types of discrimination. These hearings shall be of a non-adjudicatory nature and shall not constitute investigations or adjudication of individual complaints regarding unlawful discrimination under the West Virginia Human Rights Act 5-11-1 et. seq.
- (d) To refer any individual or group complaint regarding alleged acts of unlawful discrimination to the West Virginia Human Rights Commission for investigation and adjudication.
- (e) To recommend to Council policies, procedures, practices and legislation in matters and questions affecting human rights. Study problems and needs related to inclusivity in the City and make specific recommendations to the City Manager and to the City Council and other partners as pertinent.
- (f) To prepare a written report on its work, functions and services for each year ending on June 30 and to deliver copies thereof to Council on or before December 1 next thereafter.
- (g) To do all other acts and deeds necessary and proper to carry out and accomplish effectively the objectives, functions and services contemplated by the provisions of this article, including the promulgation of rules and regulations implementing the powers and authority hereby vested in the Commission.

- (h) To create such advisory agencies within the City as in its judgment will aid in effectuating the purpose of this article; to study the problem of discrimination in all or specific fields or instances of discrimination because of race, religion, color, national origin, ancestry, sex, age, blindness or handicap; to foster, through community effort or otherwise, goodwill, cooperation and conciliation among the groups and elements of the population of the City and to make the recommendations to the Commission for the development of policies and procedures, and for programs of formal and informal education, which the Commission may recommend to the appropriate City agency. Such advisory agencies shall be composed of representative residents serving without pay. The Commission may itself make the studies and perform the acts authorized by this subsection. It may, by voluntary conferences with parties in interest, endeavor to eliminate discrimination in all stated fields and to foster goodwill and cooperation among all elements of the population of the City.
 - (i) To accept contributions from any person to assist in the effectuation of the purposes of this section and to see and enlist the cooperation of private, charitable, religious, labor and civic and benevolent organizations for the purposes of this section.
 - (j) To issue such publications and such results of investigation and research as in its judgement will tend to promote goodwill and minimize or eliminate discrimination; however, the identity of the parties involved shall not be disclosed.
 - (k) To advise, consult with, and inform the City Manager on any matter pertaining to inclusivity in the City.
 - (l) To support and develop program initiatives to promote residents' awareness and knowledge of both opportunities to increase inclusivity and current barriers which limit community inclusiveness and long-term sustainability.
 - (m) To learn about best practices for addressing issues.
 - (n) To create and implement an inclusive community plan for the City which increases public awareness of issues; promotes education and understanding, provides, enables, or enhances services; articulates planned collaboration; and promotes public participation.
 - (o) To review City plans and policies which contain matters relating to inclusivity.
 - (p) To use media and the Internet to frame and convey information about issues, public programs, and service opportunities.
- (Ord. 12-34. Passed 7-17-12.)

153.09 COMPLAINTS; PROCEDURES.

The Commission shall inform any individual claiming to be aggrieved by an alleged unlawful discriminatory practice under West Virginia Human Rights Act 5-11-9 that the Commission does not have the power to accept formal complaints of illegal practices. Any individual claiming to be so aggrieved shall be referred to the West Virginia Human Rights Commission for investigation and adjudication of the complaint.

(Ord. 12-34. Passed 7-17-12.)

ARTICLE 155 Parking Authority

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|--------|---|---------|--|
| 155.01 | Created. | 155.085 | Parking enforcement officers. |
| 155.02 | Jurisdiction. | 155.09 | Powers relative to parking facilities. |
| 155.03 | Composition and membership; vacancies. | 155.10 | Members not to be interested in contracts. |
| 155.04 | Oath of office. | 155.11 | Certain State law adopted. |
| 155.05 | Members' bonds. (Repealed) | 155.12 | Construction of article. |
| 155.06 | Organization and officers. | | |
| 155.07 | Powers and duties. | | |
| 155.08 | Appointment of special police officers. | | |

CROSS REFERENCES

Municipal public works; bonds - see W. Va. Code Art. 8-16
 Authority to lease off-street parking facilities - see
 W. Va. Code 8-12-12
 Off-street parking - see TRAF. Art. 365

155.01 CREATED.

There is hereby established the Morgantown Parking Authority.
 (1967 Code Sec. 2-108.)

155.02 JURISDICTION.

The construction, acquisition, improvement, extension, equipment, custody, operation and maintenance of all automobile parking facilities, except as otherwise provided by this article, including parking lots, parking buildings, ramps, curb line parking and other parking facilities deemed necessary or incidental to the regulation and control and parking of automobiles is hereby vested in the City Parking Authority, hereinafter referred to in this article as the "Parking Authority".
 (1967 Code Sec. 2-109.)

155.03 COMPOSITION AND MEMBERSHIP; VACANCIES.

The Parking Authority shall consist of five persons, each of whom shall be a resident of the City. Two members of such authority shall also be members of the governing body of the City, one of which is to be appointed by the Mayor, and one of which is to be elected by Council. The term of these two members shall be coextensive with the term of office to which he has been elected or appointed. The remaining members of the Commission shall be appointed by Council for a term of three years, such terms to begin on the first day of July of any year; provided, however, that the three members of the Parking Authority heretofore appointed and in office when this article becomes effective shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and qualified. In the event of a vacancy in the membership of the Parking Authority a successor shall be appointed by Council for the unexpired term only. Members other than those appointed from the governing body shall serve until their successors have been appointed and qualified.

Any member of the Parking Authority not also a member of the governing body of the City shall be eligible for reappointment upon expiration of his term, and any member who is also a member of the governing body shall be eligible for reappointment; provided, that he is continuing as a member of the governing body. Members of the Parking Authority shall receive no compensation or salary for their services but shall be reimbursed out of the funds of such Authority for any expenses incurred in their duties as such. Any member of the Parking Authority shall be removed for just cause by Council upon written charges and by the vote of a majority thereof after a public hearing thereon.
(1967 Code Sec. 2-110.)

155.04 OATH OF OFFICE.

Each member of the Parking Authority before entering upon the duties of his office shall make before someone authorized by law to administer oaths, and file with the City Clerk, an oath or affirmation to support the Constitution of the United States and of the State, and to perform faithfully, honestly and impartially the duties of his authority to the best of his skill and judgment.
(1967 Code Sec. 2-111.)

155.05 MEMBERS' BONDS. (REPEALED)

EDITOR'S NOTE: Former Section 155.05 was repealed by Ordinance 14-17.

155.06 ORGANIZATION AND OFFICERS.

As soon after the first day of July of each year as possible the Parking Authority shall hold an annual meeting at which time a chairman and a secretary shall be elected from the membership of such Authority. The chairman shall preside at all meetings of the Parking Authority, shall have the power to call a meeting of such Authority at any time and shall perform such other functions as may be provided for in the rules and regulations and by-laws of the Parking Authority. The secretary shall keep a record of the proceedings of the Parking Authority which shall be considered a public municipal record and shall be available for inspection of any person at all reasonable times. The Finance Director shall be treasurer of the Parking Authority. The treasurer shall be the custodian of the funds of the Parking Authority and shall receive and disburse the same as directed by such Authority.

(1967 Code Sec. 2-113.)

155.07 POWERS AND DUTIES.

The Parking Authority shall have the power and authority within the City to construct, acquire, improve, extend, equip, operate and maintain automobile parking facilities, including parking lots, parking buildings and parking ramps deemed necessary or incidental to provide off-street parking facilities for vehicles within the City, and all such works shall be under the custody, control and supervision of such authority.

Such authority shall have the power to collect revenues therefrom for the services rendered thereby, which revenues shall be delivered to the Finance Director and maintained by him in a separate fund designated as the "Parking Facilities Revenue Fund". The revenues from the operation of off-street parking facilities, after allowance for the cost of maintenance and operation, shall be available for the payment of the interest on and principal of the bonds proposed to be issued, which payments shall be made by the Finance Director, with the approval of Council, and no other expenditures from such Fund shall be made without the approval of Council; except, that the Finance Director may honor requisitions from the Parking Authority for reasonable and necessary expenditures not to exceed the sum of five hundred dollars (\$500.00) in any fiscal year.

The Parking Authority shall have power to take all steps and proceedings, and to make and enter into all contracts or agreements necessary or incidental to the performance of its duties; provided, that any contract involving the expenditure of a sum in excess of five hundred dollars (\$500.00) in any fiscal year, and any contract relating to the financing or the acquisition, construction, extension or equipment of any such works, or the issuance of any bonds, or any trust indenture shall be first approved by Council. Rates or charges for the use of, and for the services rendered by the municipal public automobile parking facilities shall be established by Council.

The Parking Authority shall have the power to employ engineers, architects, inspectors, superintendents, managers, collectors, attorneys and such other employees as in its judgment may be necessary in the execution of its powers and duties, and may fix their compensation, and all such employees shall perform such work and labor as the Parking Authority may direct. All such compensation and expenses incurred in carrying out the provisions of this article shall be paid out of the funds provided under this article and under the provisions of West Virginia Code Article 8-16, and such Authority shall not exercise or carry out any authority or power herein given it so as to bind such Authority or the City beyond the extent to which moneys shall have been, or may be provided for its use by Council, or moneys provided under the authority of West Virginia Code Article 8-16.

No contract or agreement exceeding the sum of one thousand dollars (\$1,000) shall be made without advertising for bids, which bids shall be publicly opened and award made to the lowest responsible bidder, with power in the Parking Authority to reject any and all bids. After the construction, installation, completion or the acquisition of any such public works, the Parking Authority shall operate, manage and control the same, and may order and complete any extensions, betterments and improvements of and to the works that such Authority may deem expedient, if funds therefor are available, or made available as provided in such sections of the Code of West Virginia, and such Authority shall have the right to establish rules and regulations for the use and operation of such works and to do all things necessary or expedient for the successful operation thereof.

The Parking Authority shall also have the power to adopt rules, regulations and by-laws for the conduct of its business and affairs.

The Parking Authority shall make monthly reports to Council. Such reports shall show the financial condition of the various facilities operated by the Parking Authority including receipts and expenditures. The Parking Authority shall provide such other reports and information as Council may from time to time require or request. Any such reports may also in the discretion of the Parking Authority or at the request of Council include such recommendations concerning the activities of the Parking Authority as may be determined proper. (1967 Code Sec. 2-114.)

155.08 APPOINTMENT OF SPECIAL POLICE OFFICERS.

The Parking Authority shall have authority to appoint special police officers, whose sole duties shall be to patrol, and to enforce Municipal ordinances upon or within, designated parking lots and parking buildings under the control of and operated by the Parking Authority. In the performance of such duties, such special police officers shall be vested with power to make arrests, issue summons, sign complaints and request the issuance of capiases. Such special police officers shall be in uniform, shall display a badge or other sign of authority and shall serve at the will and pleasure of the appointing authority. The cost of providing such special parking lot or parking building police officers shall be paid from revenues derived from off-street parking lots or parking buildings. (1967 Code Sec. 2-114.1.)

155.085 PARKING ENFORCEMENT OFFICERS.

The Parking Authority shall have authority to enforce municipal parking ordinances within the City.

The Parking Authority shall appoint parking enforcement officers who will patrol and enforce Municipal parking ordinances upon the streets of the City of Morgantown and, in the performance of such duties shall be vested with power to issue summons and citations and sign complaints.

Parking enforcement officers shall be in uniform and display a badge or other sign of authority.

The salaries of such parking enforcement officers shall be paid by the Parking Authority and the Parking Authority shall retain all income derived from the curblane parking meters.

Parking enforcement officers shall acquire no civil service rights under the civil service rules of the State, shall acquire no rights under the policemen's pension and relief fund provisions of the West Virginia Code, nor shall the limited power delegated to them herein be construed as power or authority of a peace officer.
(Ord. 10-18. Passed 5-18-10.)

155.09 POWERS RELATIVE TO PARKING FACILITIES.

The Parking Authority with reference to automobile parking facilities within the City shall have all of the powers and authorities provided for in West Virginia Code Article 8-16.
(Ord. 10-7-86.)

155.10 MEMBERS NOT TO BE INTERESTED IN CONTRACTS.

No member of the Parking Authority shall become or be directly or indirectly interested in any contract or in the profits to be derived therefrom with the Parking Authority.
(1967 Code Sec. 2-116.)

155.11 CERTAIN STATE LAW ADOPTED.

In the establishing of the Parking Authority, Council does hereby expressly adopt the provisions of West Virginia Code Article 8-16 as provided under the provisions and in accordance with the requirements of West Virginia Code 8-1-6.
(1967 Code Sec. 2-117.)

155.12 CONSTRUCTION OF ARTICLE.

Inasmuch as this article is necessary for the public health, safety and welfare of the residents of the City, it shall be liberally construed to effectuate the purposes thereof.
(1967 Code Sec. 2-118.)

ARTICLE 156
Metropolitan Theatre Commission

- | | | | |
|--------|--------------|--------|------------------------|
| 156.01 | Established. | 156.06 | Meetings. |
| 156.02 | Purpose. | 156.07 | Written reports. |
| 156.03 | Membership. | 156.08 | Freedom of Information |
| 156.04 | Vacancies. | | Act applies. |
| 156.05 | Officers. | | |

CROSS REFERENCES
Authority to establish - see CHTR. 4.02

156.01 ESTABLISHED.

There is hereby established a Metropolitan Theatre Commission for the City.
(Ord. 03-13. Passed 3-18-03.)

156.02 PURPOSE.

The function of the Metropolitan Theatre Commission is to over watch and advise the City Manager and City Council regarding present and future development of the theater, programming, financing of theater projects, and operations of the theater as a whole.
(Ord. 03-13. Passed 3-18-03.)

156.03 MEMBERSHIP.

The Metropolitan Theatre Commission shall consist of nine members. Seven of the members shall be residents of the City who shall be appointed by City Council from those members comprising the Commission of the Metropolitan Theatre Preservation Foundation at the date of adoption of this article. Each of the seven members shall serve a term of four years. Upon the conclusion of that four-year period, subsequent reappointments or new appointments will be for terms as follows:

Two members for a one-year term
and

Two members for a two-year term
and

Three members for a three-year term.

City Council shall determine at the conclusion of the initial four-year term which members of the Commission shall be assigned to the terms indicated above.

Upon the expiration of the terms specified above, all subsequent appointments shall be for a term of three years each.

An eighth member of the Commission shall be a member of the governing body of the City, and shall be elected by City Council. The term of the City Council member shall be coextensive with the term of office to which he or she has been elected or appointed.

A ninth member of the Commission shall be a member of the Monongalia County Commission, and shall be appointed thereto by the County Commission. The term of the County Commission member shall be at the will and pleasure of the Monongalia County Commission.

All members shall serve without compensation.
(Ord. 03-13. Passed 3-18-03.)

156.04 VACANCIES.

Vacancies shall be filled in the same manner as for appointments to the Commission, but for the unexpired term only. The office of a member of the Metropolitan Theatre Commission shall become vacant upon his/her death, resignation, removal from office or failure to attend three consecutive regular meetings of the Commission without being excused by the Commission either before or after such absence.
(Ord. 03-13. Passed 3-18-03.)

156.05 OFFICERS.

The Metropolitan Theatre Commission shall select from its own membership a chairperson, vice-chairperson and secretary.
(Ord. 03-13. Passed 3-18-03.)

156.06 MEETINGS.

The Metropolitan Theatre Commission shall meet as often as it may deem necessary, upon call of the chairperson. All meetings will be subject to the West Virginia Open Governmental Proceedings Act.
(Ord. 03-13. Passed 3-18-03.)

156.07 WRITTEN REPORTS.

The Commission shall submit annual reports to the City Manager and Council summarizing its past year's activities and recommendations for the ensuing year.
(Ord. 03-13. Passed 3-18-03.)

156.08 FREEDOM OF INFORMATION ACT APPLIES.

As a board of the City, the Metropolitan Theatre Commission shall be subject to the West Virginia Freedom of Information Act.
(Ord. 03-13. Passed 3-18-03.)

ARTICLE 157
Sanitary Board

EDITOR'S NOTE: Former Article 157 was repealed August 16, 1988. The management and control of the Municipal sewerage system has been transferred to the Utility Board established under Article 169.

ARTICLE 159 Library Board

159.01	Established; appointment and term of members; vacancies.	159.05	Donations of cash, property or real estate.
159.02	Compensation.	159.06	Library to be free service.
159.03	Duties.	159.07	Withdrawal of State or federal funds.
159.04	Annual report to be made.		

CROSS REFERENCES

State law provisions - see W. Va. Code Art. 10-1

159.01 ESTABLISHED; APPOINTMENT AND TERM OF MEMBERS; VACANCIES.

There is hereby established a Board of five directors who shall be chosen from the residents of the City, with reference to their fitness for such office, and who shall be appointed by the Mayor with approval of Council. The directors shall hold office for five years from the 1st day of July following their appointment, and until their successors are appointed and qualified; provided, that upon their first appointment under this article, a proportionate number shall be appointed for one year, for two years, for three years, for four years and for five years. Vacancies in the Board shall be immediately reported to the Board of the governing authority and filled by appointment in like manner, and, if an unexpired term for the remainder of the term only. A director may be removed by just cause in the manner provided by the by-laws of the Library Board. Council may remove any director for just cause. (1967 Code Sec. 2-129.)

159.02 COMPENSATION.

No compensation shall be paid or allowed any director.
(1967 Code Sec. 2-130.)

159.03 DUTIES.

The Board of Directors of the library shall:

- (a) Immediately after their appointment, meet and organize by electing one member as president, one member as treasurer and one member as secretary and such other officers as may be necessary. All officers shall hold office for one year and shall be eligible for re-election. The treasurer before entering upon his duties shall give bond to the governing authority in an amount fixed by Council and shall, if requested, give bond to the Library Board in an amount fixed by such Board, which bonds shall be conditioned for the faithful discharge of his official fiscal duties. The cost of such bonds shall be paid from the Library Fund.
- (b) Adopt such by-laws, rules and regulations as are necessary for its guidance and for the administration, supervision and protection of the library and all property belonging thereto as may not be inconsistent with the provisions of the laws of the State.

- (c) Supervise the expenditures of all money credited to the Library Fund. All money appropriated or collected for public library purposes shall be deposited in the treasury of the library directors fund as the library's Board of Directors shall direct, and shall be paid out on the certified requisition of the Library Board, in the manner provided for in the by-laws of the Board.
- (d) Employ a head librarian, and upon his or her recommendation employ such other assistants as may be necessary for the efficient operation of the library. (1967 Code Sec. 2-131.)

159.04 ANNUAL REPORT TO BE MADE.

The Board of Directors shall make an annual report at the end of each fiscal year to the City Manager stating the condition of the library property, the various sums of money received from the Library Fund and all other sources, and how such money was expended, the number of books and periodicals on hand, the number added during the year, the number withdrawn from circulation, the number of books lent, the number of registered users of such library, with such other statistics, information and suggestions as may be deemed of general interest. A copy of this report shall be sent to the State Library Commission. (1967 Code Sec. 2-132.)

159.05 DONATIONS OF CASH, PROPERTY OR REAL ESTATE.

The Board of Library Directors shall be a corporation; and as such it may contract and be contracted with, sue and be sued, plead and be impleaded and shall have and use a common seal.

The title in the future to all bequests or donations of cash or other personal property or real estate for the benefit of such library shall be vested in the Board of Library Directors to be held in trust and controlled by such Board according to the terms and for the purposes set forth in the deed, gift, devise or bequest; provided, however, that the person making the bequest or donation of cash or of her personal property or real estate for the benefit of such library shall have the right and privilege to vest the title thereto in a trustee, or trustees, of his own selection, and to provide for the selection of successor trustees and to designate the manner in which such fund or property shall be invested and used.

Should the Library Board be dissolved, all assets of such Board shall revert to and become the property of the City. (1967 Code Sec. 2-133.)

159.06 LIBRARY TO BE FREE SERVICE.

The library shall be free for the use of all persons living within the City, subject to reasonable rules and regulations adopted by the Library Board. The Board may extend the privilege and use of the library to nonresidents upon such terms and conditions as it may prescribe. The Board may exclude from the use of the library under its charge any person who willfully or persistently violates any rule or regulations prescribed for the use of the library or its facilities. (1967 Code Sec. 2-134.)

159.07 WITHDRAWAL OF STATE OR FEDERAL FUNDS.

In the event State or federal funds are withdrawn from the Municipal Library, such Library will revert to the method of operation prior to adoption of this article. (1967 Code Sec. 2-135.)

ARTICLE 160
Housing Advisory Commission

160.01	Established.	160.06	Meetings.
160.02	Purpose and duties.	160.07	Written reports.
160.03	Membership.	160.08	Freedom of information act
160.04	Terms of office.		applies.
160.05	Officers.		

CROSS REFERENCES
Housing Code - see BLDG. AND HOUS. Art. 1751

160.01 ESTABLISHED.

There is hereby established a Housing Advisory Commission for the City.
(Ord. 14-44. Passed 10-21-14.)

160.02 PURPOSE AND DUTIES.

The function of the Housing Advisory Commission is to:

- (a) Serve as the medium for citizen advice and comment on housing issues.
 - (b) Provide advocacy for establishing and maintaining diversity in housing types and opportunities.
 - (c) Encourage and strengthen collaborative planning and communications between public and private sectors.
 - (d) Review, consider, and make recommendations to the City Manager and City Council on all aspects that affect public and private housing.
 - (e) Research and discuss housing trends and ideas and make recommendations to the City Manager and City Council regarding housing policy and ordinances.
 - (f) Sponsor educational programs on owner and non-owner occupied housing.
- (Ord. 14-44. Passed 10-21-14.)

160.03 MEMBERSHIP.

(a) The Housing Advisory Commission shall consist of thirteen members who shall be appointed by Morgantown City Council as follows:

- (1) One member of Morgantown City Council;
- (2) One member from West Virginia University's Off-Campus Housing office;
- (3) One member from West Virginia University's Office of Student Legal Services;
- (4) One member from West Virginia University's Student Government;

ARTICLE 162
Woodburn School Redevelopment Commission

162.01	Established.	162.06	Meetings.
162.02	Purpose.	162.07	Written reports.
162.03	Membership.	162.08	Freedom of Information Act
162.04	Vacancies.		applies.
162.05	Officers.		

162.01 ESTABLISHED.

There is hereby established a Woodburn School Redevelopment Commission.
(Ord. 13-49. Passed 9-3-13.)

162.02 PURPOSE.

The function of the Woodburn School Redevelopment Commission is to watch over and advise the City Manager and City Council regarding present and future development of the former Woodburn School property, programming, financing of projects, and operations of the property as a whole.

(Ord. 13-49. Passed 9-3-13.)

162.03 MEMBERSHIP.

(a) The Woodburn School Redevelopment Commission shall consist of seven members who shall be appointed by City Council. Each of the seven members shall serve for a three-year term. Upon the conclusion of that three-year period, subsequent reappointments or new appointments will be for terms as follows:

Two members for a one-year term
and
Two members for a two-year term
and
Three members for a three-year term

(b) One member of the Commission shall be a member of the governing body of the City and shall be elected by City Council. The term of the City Council member shall be coextensive with the term of the office to which he or she has been elected or appointed. The Commission will be administered by the City Manager's Office. All members shall serve without compensation.

(Ord. 13-49. Passed 9-3-13.)

162.04 VACANCIES.

Vacancies shall be filled in the same manner as for appointments to the Commission, but for the unexpired portion of the term only. The office of a member of the Woodburn School Redevelopment Commission shall become vacant upon his/her death, resignation, removal from office, or failure to attend three consecutive regular meetings of the Commission without being excused by the Commission either before or after such absence.

(Ord. 13-49. Passed 9-3-13.)

162.05 OFFICERS.

The Woodburn School Redevelopment Commission shall select from its own membership a chairperson, vice-chairperson, and secretary.

(Ord. 13-49. Passed 9-3-13.)

162.06 MEETINGS.

The Woodburn School Redevelopment Commission shall meet as often as it may deem necessary, upon call of the chairperson. All meetings will be subject to the West Virginia Open Government Proceedings Act.

(Ord. 13-49. Passed 9-3-13.)

162.07 WRITTEN REPORTS.

The Commission shall submit annual reports to the City Manager and City Council summarizing its past year's activities and recommendations for the ensuing year.

(Ord. 13-49. Passed 9-3-13.)

162.08 FREEDOM OF INFORMATION ACT APPLIES.

As a Commission of the City, the Woodburn School Redevelopment Commission shall be subject to the West Virginia Freedom of Information Act.

(Ord. 13-49. Passed 9-3-13.)

ARTICLE 163
Urban Landscape Commission

163.01	Established.	163.06	Officers.
163.02	Purpose.	163.07	Meetings.
163.03	Membership.	163.08	Appropriation of funds.
163.04	Term.	163.09	Annual report.
163.05	Vacancies.		

CROSS REFERENCES
Authority to establish - see CHTR. Sec. 4.02

163.01 ESTABLISHED.

There is hereby established an Urban Landscape Commission for the City, the official name of which shall be the "Morgantown Urban Landscape Commission".
(Ord. 09-38. Passed 8-18-09.)

163.02 PURPOSE.

The purpose of the Urban Landscape Commission shall be to advise and recommend to the City Manager and/or City Council such plans, programs and projects which in the opinion of the Commission would improve the natural, aesthetic, and environmental quality of life within the City. The Commission shall review and make timely recommendations on all landscape plans accompanying new or reconstructed City buildings, parks, parking lots, trails and other City-owned realty. The Commission shall also appoint a Tree Board, which shall serve in an advisory capacity to the City Manager, when called upon by him/her, in administering the City's Tree and Shrub Ordinance (Article 917). The Commission shall also serve as a resource for the review of private sector projects as requested by the City Manager and/or the Planning Commission.
(Ord. 09-38. Passed 8-18-09.)

163.03 MEMBERSHIP.

The Urban Landscape Commission shall consist of twelve members, consisting of the following: one from each ward of the City, one having expertise in Landscape Architecture, one having expertise as an Urban Forester, one having expertise as a Botanist or equivalent expertise, one being a member of the Board of Parks and Recreation Commission, and one being a member of City Council. All persons shall be residents of the City. The City Manager shall appoint a member of the City Administration to serve as an ex-officio member of the Commission. The seven Commission members, who represent wards, shall be nominated by the City Manager, upon the recommendation of their ward Councilperson and confirmed by City Council. The remaining members shall be nominated by individual Councilpersons and confirmed by City Council.
(Ord. 13-04. Passed 2-19-13.)

163.04 TERM.

All non-ward members of the Urban Landscape Commission shall serve three-year terms as previously established by City Council. Whereas, it is the intent of City Council to stagger the terms of ward Urban Landscape Commission members so that no more than three of the seven ward terms shall expire in the same year. The terms of current ward members shall be as follows:

1 st Ward	7-01-09 to 7-01-12
2 nd Ward	7-01-10 to 7-01-12
3 rd Ward	7-01-09 to 7-01-12
4 th Ward	7-01-10 to 7-01-13
5 th Ward	7-01-10 to 7-01-13
6 th Ward	7-01-10 to 7-01-13
7 th Ward	7-01-10 to 7-01-11

All subsequent appointments of ward members shall be for a term of three years each.
(Ord. 09-38. Passed 8-18-09.)

163.05 VACANCIES.

Vacancies shall be filled subject to the conditions set forth in Section 163.03 and for the unexpired term only. The office of a member of the Urban Landscape Commission shall become vacant upon the member's death, resignation, or removal from office. Should a member fail to attend more than one-half of the meetings of the Commission in a consecutive twelve-month period, the Chairperson shall confer with the member so as to assess the ability of the member to continue serving as a member of the Commission. All members shall serve without compensation. (Ord. 09-38. Passed 8-18-09.)

163.06 OFFICERS.

At the first Commission meeting of July in each year, the Urban Landscape Commission shall select from its own membership a chairperson, vice-chairperson, and secretary. (Ord. 09-38. Passed 8-18-09.)

163.07 MEETINGS.

The Urban Landscape Commission shall meet as often as it may deem necessary by its members, upon call of the chairperson. The Commission shall adopt its own by-laws or rules subject only to the action of Council.
(Ord. 09-38. Passed 8-18-09.)

163.08 APPROPRIATION OF FUNDS.

Council may appropriate any funds that it deems necessary to carry out any of the proposals set forth by the Urban Landscape Commission. The Commission, with the approval of City Council, may apply for federal and state financial aid in grants or other forms of financial assistance through the City Administration to assist in carrying out any of such proposals or projects. The Commission may also seek financial assistance from organizations or individuals for such purposes in consultation with the City Administration. All Commission funding shall be received and managed by the office of the City Manager.
(Ord. 09-38. Passed 8-18-09.)

163.09 ANNUAL REPORT.

Council may request a yearly report from the Urban Landscape Commission regarding its services provided throughout the previous year. This report may include information, statistics and recommendations which may be deemed of general interest.
(Ord. 09-38. Passed 8-18-09.)

ARTICLE 165
Citizens Advisory Committee

EDITOR'S NOTE: Former Article 165 was repealed by Ordinance 04-32, passed September 22, 2004.

ARTICLE 167
Historic Landmarks Commission

167.01	Establishment.	167.09	Priorities.
167.02	Legislative purpose.	167.10	Commission powers and duties.
167.03	Members; qualifications; term; compensation.	167.11	Restriction on use of property designated as historic landmark.
167.04	Officers; meetings; quorum; rules.	167.12	Notice to County Assessor of designation of historic district.
167.05	Employees.	167.13	Assistance of State agencies; coordination.
167.06	Offices and expenses; other appropriations.	167.14	Notice and public hearing.
167.07	Meeting minutes.		
167.08	Annual report; reports to the Department of Culture and History.		

CROSS REFERENCES
Historic Landmarks Commission - see W. Va. Code Art. 8-26A

167.01 ESTABLISHMENT.

There is hereby established, in the City, the Morgantown Historic Landmarks Commission, hereinafter referred to as the "Commission".
(Ord. 10-7-86.)

167.02 LEGISLATIVE PURPOSE.

Council establishes the Commission in order to promote economic revitalization and improve property values, to enhance the educational, cultural, historical and aesthetic quality of the City and to accomplish the objectives set forth in West Virginia Code Article 8-26A, as amended.
(Ord. 10-7-86.)

167.03 MEMBERS; QUALIFICATIONS; TERM; COMPENSATION.

The Commission shall consist of five members appointed by Council.

- (a) Qualifications. All members shall be residents of the City. One member shall be a member of Council. To the extent such persons are available in the City at the time of appointment, at least two members shall have a demonstrated special interest, experience or education in historic preservation or in professions related to historic preservation, such as history, public history, architecture, architectural history, planning, real estate, American studies, geography, landscape architecture or law.

- (b) Term. The member of Council appointed by Council to serve on the Commission shall serve a term commensurate with his Council term. Of the remaining original members, one shall be appointed to serve for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Thereafter, members shall be appointed to a term of four years.
- A member may be appointed for a second consecutive term, but after two consecutive full terms, a member shall be ineligible for reappointment until a calendar year has elapsed since the date of his or her second term.
- (c) Method of Filling Vacancies. Appointments to fill a vacancy in membership shall be made by the established procedure for regular appointments and for the balance of the unexpired term.
- (d) Compensation; Reimbursement for Expenses. Commission members shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of duties.
(Ord.10-7-86.)

167.04 OFFICERS; MEETINGS; QUORUM; RULES.

(a) Officers. At its first regular meeting in each calendar year, the Commission shall elect from its members a president, a vice president and a secretary-treasurer. The vice president shall have the power and authority to act as president during the absence or disability of the president.

(b) Meetings. The Commission shall fix the time for holding regular meetings but shall meet at least once in the months of January, April, July and October. The Commission may meet more often as it shall determine or require. Reasonable notice of the time and place of meetings shall be given to the public. All meetings shall conform to the West Virginia Open Governmental Proceedings Act, West Virginia Code Article 6-9A, as amended.

(c) Quorum. A majority of the members of the Commission shall constitute a quorum. No action of the Commission shall be official, unless authorized by a majority of all members of the Commission at a properly constituted regular or special meeting.

(d) Votes. The vote of each Commission member shall have equal weight.

(e) Rules. The Commission shall adopt and publish rules of procedure upon approval of Council. (Ord. 10-7-86.)

167.05 EMPLOYEES.

The Commission is authorized and empowered to employ within the limits of funds available therefor, such employees, assistants, technical personnel and consultants as are necessary to discharge the duties and responsibilities of the Commission.
(Ord. 10-7-86.)

167.06 OFFICES AND EXPENSES; OTHER APPROPRIATIONS.

Council shall provide the Commission with suitable offices for holding of meetings and the preservation of plans, maps, documents and accounts, and shall provide for the operating expenses of the Commission by appropriating a sum sufficient to defray such expenses. Council shall have plenary power and authority to appropriate funds for expenditure by the Commission to accomplish the purposes of this article. (Ord. 10-7-86.)

167.07 MEETING MINUTES.

The Commission shall keep permanent minutes of all its meetings. The minutes shall record attendance of its members, its resolutions, findings, recommendations and actions. The Commission minutes shall be forwarded to Council within two weeks. The Commission minutes shall be a public record. (Ord. 10-7-86.)

167.08 ANNUAL REPORT; REPORTS TO THE DEPARTMENT OF CULTURE AND HISTORY.

(a) Annual reports shall be prepared and submitted to Council and to the State Historic Preservation Office of the Department of Culture and History within sixty days after the end of the fiscal year or the portion of the fiscal year in the first year of establishment of the Commission. The annual report to Council shall contain the above information as well as budget requests and recommendations.

(b) The Commission shall prepare and submit reports of Commission activities to the Historic Preservation Officer in the Department of Culture and History as required by administrative regulations promulgated by that agency. (Ord. 10-7-86.)

167.09 PRIORITIES.

In addition to such other matters as may be from time to time hereafter specifically requested by Council, the Commission shall make and recommend to Council a detailed plan to protect and foster the preservation of historical landmarks commensurate with growth in the City. (Ord. 10-7-86.)

167.10 COMMISSION POWERS AND DUTIES.

(a) General Powers. To the extent authorized by West Virginia Code Article 8-26A, as amended, the Commission shall act as a regulatory agency with respect to the construction, renovation, alteration or restoration of structures designated as historical landmarks, by the Federal, State or local government. Rules and regulations, including action under subsection (b)(5) and (6) hereof shall have the same effect as ordinances passed by Council until altered, repealed, revoked or amended by Council.

The Commission shall be independent of the City Planning Commission: provided that no rule or regulation of the Commission shall conflict with any plan of such Planning Commission. Prior to any favorable recommendation to Council by the Planning Commission with respect to construction, renovation, alteration or restoration of structures designated by proper authorities as historical buildings, such Planning Commission shall obtain from the Historic Landmarks Commission its certificate of approval with respect to the proposed project.

(b) Special Powers.

The Commission shall have plenary power and authority to:

- (1) Make survey of, and designate as historic landmarks, buildings, structures and sites which constitute the principal historical and architectural sites which are of local, regional, Statewide or national significance. No building, structure or site shall be deemed to be an historic one unless it has been prominently identified with, or best represents, some major aspect of the cultural, political, economic, military or social history of the locality, region, State or nation, or has had a major relationship with the life of an historic personage or event representing some major aspect of, or ideals related to the history of the locality, region, State or nation. Buildings or structures which are to be so designated shall embody the principal or unique features of an architectural type or demonstrate the style of a period of our history or method of construction, or serve as an illustration of the work of a master builder, designer or architect whose genius influenced the period in which he worked or has significance in current time;
 - (2) Prepare a register of buildings, structures and sites which meet the requirements of subsection (b)(1) hereof, publish lists of such properties and with the consent of the property owners, inspect such properties from time to time and publish a register thereof from time to time setting forth appropriate information concerning the registered buildings, structures and sites;
 - (3) With the consent of the property owners, certify and mark with appropriately designed markers, buildings, structures and sites which it has registered;
 - (4) Establish standards for the care and management of certified landmarks and withdraw such certification for failure to maintain the standards so prescribed;
 - (5) Acquire by purchase, gift or lease and administer registered landmarks and easements and interests therein, both real and personal;
 - (6) Lease or sell property so acquired under terms and conditions designed to insure the proper preservation of the landmark in question;
 - (7) Establish historic districts for registered landmarks, utilizing the same guidelines set forth in subsection (b)(1) hereof and designate the area thereof by appropriate markers;
 - (8) Identify historical districts for registered landmarks and aid and encourage the municipality or county in which the district or landmark is located to adopt rules and regulations for the preservation of historical or architectural values;
 - (9) Prepare and place historical markers on or along the highway or street closest to the location which is intended to be identified by such a marker;
 - (10) Seek the advice and assistance of individuals, groups and departments and agencies of government who or which are conducting historical preservation programs and coordinate the same insofar as possible;
 - (11) Seek and accept gifts, bequests, endowments and funds from any and all sources for the accomplishment of the functions of the Commission;
 - (12) Adopt rules and regulations concerning the operation of the Commission, the functions and responsibilities of its officers, employees, assistants and other personnel and such other matters as may be necessary to carry out the purposes of this article; and
 - (13) Adopt such other rules and regulations as may be deemed necessary to effectuate the purposes of this article, but no such rules and regulations shall be inconsistent with the provisions of this article or with any plan of the planning commission of such municipality or county.
- (Ord. 10-7-86.)

167.11 RESTRICTION ON USE OF PROPERTY DESIGNATED AS HISTORIC LANDMARK.

Whenever any such commission, with the consent of the property owner, certifies property as being a registered landmark, it may seek and obtain from such property owner an agreement as to such restrictions upon the use of the property as the commission finds are reasonable and are calculated to perpetuate and preserve the features which led it to designate such property as an historic landmark. All such agreements between such commission and the property owner shall be in writing and when duly signed and acknowledged, shall be recorded in the office of the clerk of the county court of the county wherein such landmark is located and when so recorded shall be notification to the assessor of such county of the restrictions therein set forth.

(Ord. 10-7-86.)

167.12 NOTICE TO COUNTY ASSESSOR OF DESIGNATION OF HISTORIC DISTRICT.

When any such commission establishes an historic district, it shall notify the county assessor of the county in which such district or any part thereof is located of the fact of such establishment and the boundaries of the district, together with the restrictions which are applicable to the properties located in such district which have been mutually agreed upon such commission and the owners of the property within such district. The agreement shall be recorded in the same manner as the recordation of agreements between the commission and owners of designated landmarks entered into pursuant to the provisions of Section 167.11 hereof. The county assessor shall take such factors into consideration in assessing the properties therein.

(Ord. 10-7-86.)

167.13 ASSISTANCE OF STATE AGENCIES; COORDINATION.

Upon the request of any such commission, all agencies of the State shall assist such commission in the discharge of its duties and functions.

The Commission shall cooperate and coordinate its activities with the State Historical Society and the State Department of Culture and History, with the view of developing a unified program for the identification, study, preservation and protection of all historic buildings, structures and sites in this State.

(Ord. 10-7-86.)

167.14 NOTICE AND PUBLIC HEARING.

Prior to the designation of an historic district, the Commission shall give reasonable notice and hold a public hearing on the matter.

(Ord. 10-7-86.)

ARTICLE 168
Museum Commission

- | | | | |
|--------|---|--------|----------------------------------|
| 168.01 | Established. | 168.07 | Appropriation of funds. |
| 168.02 | Members. | 168.08 | Powers and duties. |
| 168.03 | Officers. | 168.09 | Cooperation with State agencies. |
| 168.04 | Meetings. | 168.10 | Annual report. |
| 168.05 | Voting. | | |
| 168.06 | Compensation and reimbursement
for expenses. | | |

CROSS REFERENCES

Authority to establish - see W. Va. Code 8-12-5(38)

Museum commissions - see W. Va. Code 7-11A-1 et seq.

168.01 ESTABLISHED.

There is hereby formed, created and established a municipal museum commission known as the Morgantown Museum Commission (the "Commission"). The Commission is established pursuant to authority granted to the Municipality by Sections 7-11A-1 et seq. of the West Virginia Code. (Ord. 05-06. Passed 3-15-05.)

168.02 MEMBERS.

The Commission shall consist of ten members who shall be appointed by City Council. The terms of the individual Commission members first appointed shall be as follows:

- Two members - 5 years
- Two members - 4 years
- Two members - 3 years
- Two members - 2 years
- Two members - 1 year.

All vacancies shall be filled for the unexpired term only and all other appointments shall be for a term of five years, to commence on the date following the scheduled expiration date of the previous term. At all times one of the ten members of the Commission shall be a member of City Council. All members of the Commission shall be residents of the City. (Ord. 05-06. Passed 3-15-05.)

168.03 OFFICERS.

The Commission shall select from its own membership a chairperson, vice-chairperson and secretary. (Ord. 05-06. Passed 3-15-05.)

168.04 MEETINGS.

The Commission shall meet on a monthly basis. Special meetings may be held as deemed necessary by the Chairperson. Such meetings shall be subject to the requirements of the West Virginia Open Governmental Proceedings Act. A quorum of members must be present before a meeting of the Commission can be held at which any official action of the Commission is to take place.

(Ord. 05-06. Passed 3-15-05.)

168.05 VOTING.

Every member of the Commission present, when a question is put, shall vote unless he/she is interested therein other than as a resident of the City. To be successful, an issue shall require six affirmative votes.

(Ord. 05-06. Passed 3-15-05.)

168.06 COMPENSATION AND REIMBURSEMENT FOR EXPENSES.

The members of the Commission shall receive no compensation for their services, but shall be entitled to reimbursement for reasonable and necessary expenses actually incurred in the performance of their duties as a Commission member, if said Commission member has received approval from the City's Finance Director to make such expenditure prior to incurring said expense.

(Ord. 05-06. Passed 3-15-05.)

168.07 APPROPRIATION OF FUNDS.

City Council may appropriate any funds that it deems necessary to carry out any of the proposals set forth by the Commission, so long as said proposal complies with the authority granted to the Commission by this article. The Commission, on behalf of the City, may receive gifts, grants, donations, bequests or devises from sources other than public funds.

(Ord. 05-06. Passed 3-15-05.)

168.08 POWERS AND DUTIES.

It shall be the duty of the Commission to advise and recommend to the City Manager and/or City Council museum programs or projects within the City's corporate limits.

The Commission shall not have the authority to contractually bind the City on any matter.

Should the Commission so desire, it has the authority to recommend to City Council that a specific admission fee be approved by Council for entrance into a designated museum of the City. (Ord. 05-06. Passed 3-15-05.)

168.09 COOPERATION WITH STATE AGENCIES.

The Commission shall cooperate and coordinate its activities with the West Virginia Department of Archives and History, the West Virginia Historical Society and the West Virginia Antiquities Commission. (Ord. 05-06. Passed 3-15-05.)

168.10 ANNUAL REPORT.

On December 1st of each calendar year, the Commission shall file an annual report with the City Manager describing its activities for the previous twelve months. The City Manager shall present the Commission's report to City Council.

(Ord. 05-06. Passed 3-15-05.)

ARTICLE 169
Utility Board

- | | | | |
|--------|---|--------|---|
| 169.01 | Creation; members; compensation. | 169.05 | Financial reports; minutes; budget. |
| 169.02 | Organization. | 169.06 | Waterworks, sewerage system and stormwater system accounts; personnel policies. |
| 169.03 | Powers and duties. | 169.07 | Pension plan. |
| 169.04 | General Manager created; other employees. | | |

CROSS REFERENCES

Combined waterworks and sewage system - see W.Va. Code Art. 8-20

169.01 CREATION; MEMBERS; COMPENSATION.

(a) Upon the issuance of the combined waterworks and sewerage system refunding revenue bonds, the management, control and operation of the waterworks system and the sewerage system of the City shall be vested in the Morgantown Utility Board (the "Board"), created, appointed and functioning as hereinafter provided.

(b) The management, control and operation of the stormwater drainage and sewer system of the City shall be vested in the Morgantown Utility Board.

(c) The Board shall consist of five persons, each of whom shall be residential customers of the Morgantown Utility Board, shall be persons of outstanding reputation, ability and integrity, and shall be appointed by Council. No more than two of the appointees may be citizens of Monongalia County, residing outside of the corporate limits of the City; all remaining appointees shall be citizens and residents of the City. The City Manager shall notify all appointees of their appointment. The terms of such Boardmembers first appointed shall be for one, two, three, four and five years, respectively, from the first day of the month in which appointed. In the event of a vacancy and also within thirty days after the expiration of the term of office of any Boardmember, a successor shall be appointed by Council. All vacancies shall be filled for the unexpired term only and all other appointments shall be for a term of five years, to commence on the date following the scheduled expiration date of the previous term. The Board shall

adopt rules of procedure for the time and place of its meetings and the conduct thereof. Any Boardmember shall be eligible for reappointment upon the expiration of his term. The Boardmembers shall each receive compensation for their services at the rate established by ordinance of Council and in addition, shall be reimbursed for any and all expenses incurred in the performance of their duties under order of the Board. Each Boardmember shall be subject to removal for just cause by Council by the recorded vote of a majority of Council after a public hearing thereon. The decision of Council as to such removal shall be final and not subject to review by any court, arbitrator or other body, and each Boardmember accepting such appointment shall acknowledge the finality of such decision. (Ord. 11-50. Passed 12-20-11.)

169.02 ORGANIZATION.

At the first meeting of the Board and annually thereafter, it shall organize by designating one of the Boardmembers to act as chairman and another or others to act as secretary and/or treasurer thereof. The chairman shall preside at all meetings when present and shall call special meetings on his own motion, or when requested to do so by any two Boardmembers. The secretary shall keep a record of the proceedings which shall be available for inspection as other Municipal records. The treasurer shall disburse the funds of the Board as directed by it. In the event that any Boardmember shall be unable to fulfill the duties of his office for a period of six months, a majority of the remainder of the Boardmembers may declare the office of such Boardmember vacant and Council shall thereupon fill such vacancy as otherwise provided for herein. (Ord. 9-1-87.)

169.03 POWERS AND DUTIES.

The Board shall have full and complete supervision, management and control of the waterworks system, the sewerage system and the stormwater system, including the maintenance, operations, improvements and extension thereof, all of which shall be combined as a single system under Chapter 8, Article 20 of the West Virginia Code of 1931, as amended (the "system"). All bills for water, sewer and stormwater service shall be collected and accounted for by the Board in the manner and form required by law, the Public Service Commission and/or the ordinances of the City, and all disbursements and accounts of the system shall be ordered paid out only upon approval of such Board; provided however, that all such supervision, management and control of the systems and the collection and accounting for bills for water, sewer and stormwater service shall be consistent and in accordance with any ordinance pursuant to which the City may have authorized and issued any bonds from time to time outstanding, which by their terms are payable from and secured by the revenues of the system. The Board shall have the power and authority to make all contracts, agreements and other matters necessary or proper for the full complete supervision, management and control of the system. (Ord. 07-15. Passed 5-1-07.)

169.04 GENERAL MANAGER CREATED; OTHER EMPLOYEES.

The Board shall have power to employ, affix the compensation of and discharge a General Manager of the system and shall direct, employ and fix the compensation of and discharge all other employees of the system. The General Manager of the system, upon his appointment and taking office, shall furnish and file with the City Clerk, a bond in the sum and penalty of fifty thousand dollars (\$50,000), the cost of such bond to be payable from revenues of the system and such bond shall be payable to the City and conditioned as to the faithful performance of the General Manager's duties as are fixed by the Board. (Ord. 02-13. Passed 5-21-02.)

169.05 FINANCIAL REPORTS; MINUTES; BUDGET.

The Board shall provide reports, at least semiannually, or as otherwise required by law, to the City Manager and Council, indicating the Board's financial condition. The Board shall also, if requested by the Mayor or City Manager provide the City with yearly audited financial statements, minutes of all meetings of the Board, an annual budget and other information as may reasonably be requested. (Ord. 9-1-87.)

169.06 WATERWORKS, SEWERAGE SYSTEM, AND STORMWATER SYSTEM ACCOUNTS; PERSONNEL POLICIES.

Following the defeasance of the water revenue bonds and sewer revenue bonds, all assets and liabilities of the waterworks system and sewerage system, including accounts receivable and accounts payable and all employees thereof, shall be under the management and control of the Board. All assets and liabilities of the stormwater system, including accounts receivable and accounts payable, shall be under the management and control of the Board. Personnel policies and practices and other matters affecting employees of the Board, except pensions, shall be determined by the Board. (Ord. 02-13. Passed 5-21-02.)

169.07 PENSION PLAN.

Upon transfer of the management and control of the employees of the waterworks system and sewerage system to the Board, all such employees shall be under the general pension plan of the City, subject to such adjustments as shall be provided for by resolution of Council. (Ord. 9-1-87.)

ARTICLE 170
Greater Morgantown Metropolitan
Area Youth Commission (Repealed)

EDITOR'S NOTE: Former Article 170 was repealed by Ordinance 14-21.

ARTICLE 171 Building Commission

171.01 Established; members.

CROSS REFERENCES Municipal building commission - see W.Va. Code Art. 8-33

171.01 ESTABLISHED; MEMBERS.

There is hereby formed, created and established a municipal building commission to be known as the Morgantown Building Commission (the "Commission"). In accordance with West Virginia Code Article 8-33, the Commission shall be a public corporation and have perpetual existence.

The Commission shall have all powers granted by West Virginia Code Article 8-33 and any other powers granted to it by applicable law.

The Board of the Commission shall consist of three members.

At the conclusion of the term of the appointment of each original member of the Commission, Council shall appoint a successor for a term of five years. Not more than two of the three members of the Board named above shall be from the same political party and no member shall hold any office (other than the office of notary public) or employment under the United States of America, the State of West Virginia, any county or political subdivision thereof, or any political party. All members shall be residents of the City.

The Commission shall not incur any indebtedness or acquire any property, real or personal, without the prior written consent of Council.

No indebtedness of any nature of the Commission shall constitute an indebtedness of the City of Morgantown, the County of Monongalia, or any agency thereof, except the Commission. No indebtedness or obligations incurred by the Commission shall give any right against any member of Council or any member of the Commission.

(Ord. 8-2-88.)

ARTICLE 172
Morgantown Sister Cities Commission

172.01	Established.	172.06	Compensation and reimbursement for expenses.
172.02	Members.	172.07	Appropriation of funds.
172.03	Officers.	172.08	Purpose, powers, and duties.
172.04	Meetings.		
172.05	Voting.		

172.01 ESTABLISHED.

There is hereby formed, created and established a municipal Sister Cities Commission, known as the Morgantown Sister Cities Commission (the "Commission").
(Ord. 10-10. Passed 3-2-10.)

172.02 MEMBERS.

The Commission shall consist of nine members who shall be appointed by City Council. The terms of the individual Commission members first appointed shall be as follows:

Three members - 3 years
Three members - 2 years
Three members - 1 year

All vacancies shall be filled for the unexpired term only. All other appointments shall be for a term consistent with that set for the member position in question, to commence on the date following the scheduled expiration date of the previous term. At all times one of the nine members of the Commission shall be a member of City Council. Two of the members may be ex-officio, non-voting members selected from the Greater Morgantown Area as defined by the jurisdictional boundaries of the Morgantown, Monongalia Metropolitan Planning Organization. At all times, seven members of the Commission shall be residents of the City.
(Ord. 13-03. Passed 2-19-13.)

172.03 OFFICERS.

The Commission shall select from its own membership a chairperson, vice-chairperson, and secretary. (Ord. 10-10. Passed 3-2-10.)

172.04 MEETINGS.

The Commission shall meet on a monthly basis. Special meetings may be held as deemed necessary by the Chairperson. Such meetings shall be subject to the requirements of the West Virginia Open Governmental Proceedings Act. A quorum of members must be present before a meeting of the Commission can be held at which any official action of the Commission is to take place.

(Ord. 10-10. Passed 3-2-10.)

172.05 VOTING.

Every member of the Commission present, when a question is put, shall vote unless he/she is interested therein other than as a resident of the City. To be successful, an issue shall require five affirmative votes.

(Ord. 10-10. Passed 3-2-10.)

172.06 COMPENSATION AND REIMBURSEMENT FOR EXPENSES.

The members of the Commission shall receive no compensation for their services, but shall be entitled to reimbursement for reasonable and necessary expenses actually incurred in the performance of their duties as a Commission member, if said Commission member has received approval from the City's Finance Director to make such expenditure prior to incurring said expense.

(Ord. 10-10. Passed 3-2-10.)

172.07 APPROPRIATION OF FUNDS.

City Council may appropriate any funds that it deems necessary to carry out any of the proposals set forth by the Commission, so long as said proposal meets the purpose and intent of this article. (Ord. 10-10. Passed 3-2-10.)

172.08 PURPOSE, POWERS, AND DUTIES.

It shall be the duty of the Commission to advise and recommend to the City Manager and/or City Council means of creating or advancing inter-cultural, educational, social and economic exchanges between the City and the State of West Virginia with other cities with which the City of Morgantown has established not only sister cities formal relationships guided by the organization known as Sister Cities International, but also, informal friendship cities relationships formed under the guidance of the Commission.

(Ord. 11-18. Passed 5-17-11.)

AN ORDINANCE AMENDING THE "CONCEPTUAL GROWTH FRAMEWORK MAP" AND THE "LAND MANAGEMENT MAP" OF THE 2013 COMPREHENSIVE PLAN UPDATE, ADOPTED JUNE 18, 2013, BY MODIFYING THE BOUNDARIES OF THE "ENCOURAGED GROWTH" GENERAL CONCEPT AREA ADJACENT TO THE MORGANTOWN MUNICIPAL AIRPORT AS SHOWN ON THE EXHIBITS HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

WHEREAS, the City of Morgantown has made significant progress toward authorization, preliminary planning and environmental assessment, and material project delivery scheduling of the Morgantown Municipal Airport runway extension project;

WHEREAS, preliminary runway extension project planning has identified the potential increase in the amount of developable acreage around the Airport given significant landscape changes anticipated from extending the runway;

WHEREAS, additional developable acreage around the Airport was not identified until after June 18, 2013 adoption of the 2013 Comprehensive Plan Update and accordingly not reflected in its "Conceptual Growth Framework Map" and "Land Management Map";

WHEREAS, West Virginia State Code Chapter 8A, Article 3, Section 11 establishes procedures to amend a comprehensive plan after adoption; and,

WHEREAS, the Morgantown Planning Commission has, after conducting a public hearing, duly recommended revisions to the "Conceptual Growth Framework Map" and the "Land Management Map" of the 2013 Comprehensive Plan by modifying the "Encouraged Growth" general concept area to include additional acreage around the Airport.

NOW, THEREFORE, the City of Morgantown hereby ordains that the "Conceptual Growth Framework Map" and the "Land Management Map" of the 2013 Comprehensive Plan are amended as described herein and illustrated on the exhibits hereto attached and declared to be a part of this Ordinance to be read herewith as if the same were fully set forth herein.

This ordinance shall be effective upon date of adoption.

FIRST READING:

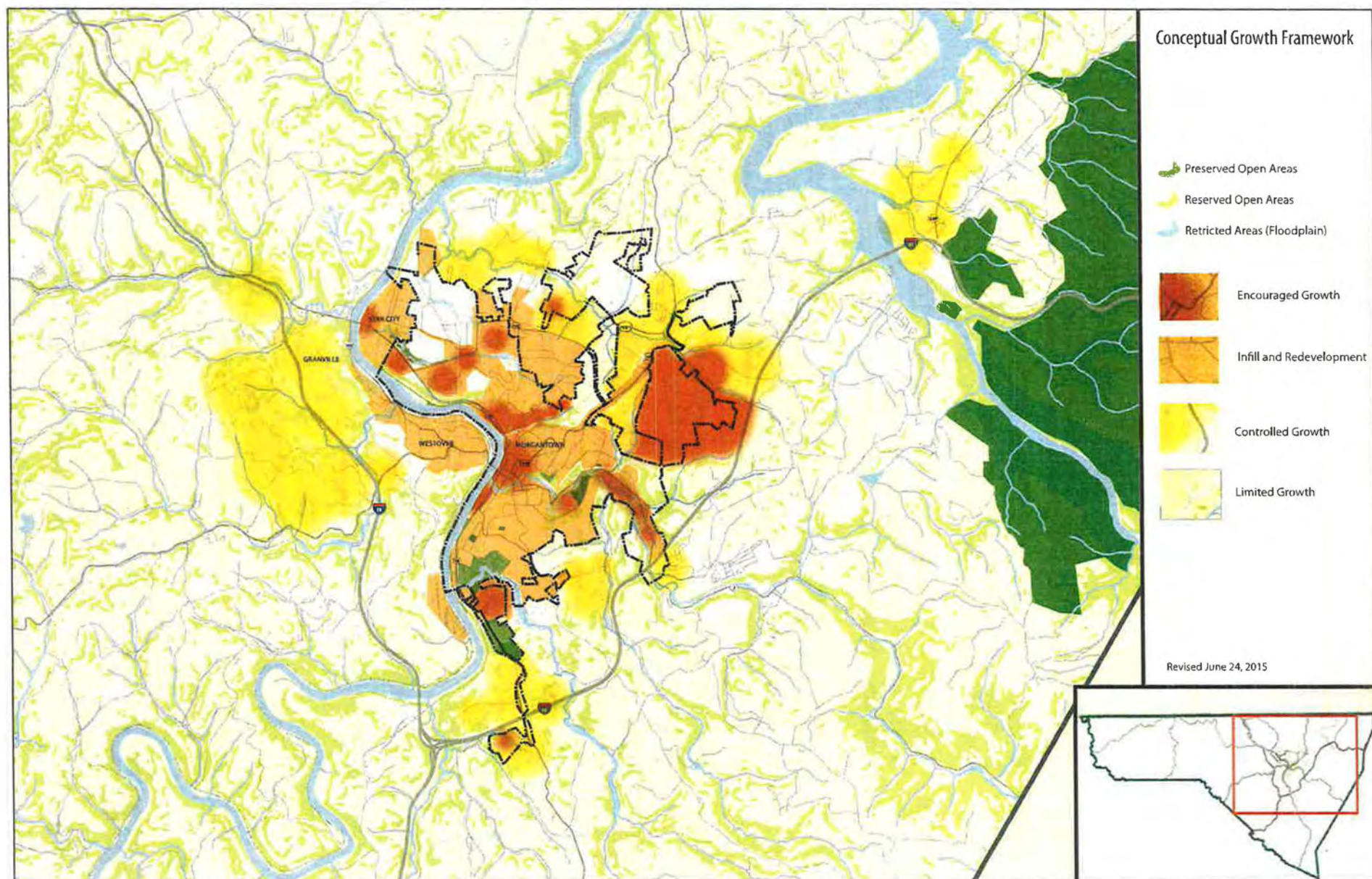
Mayor

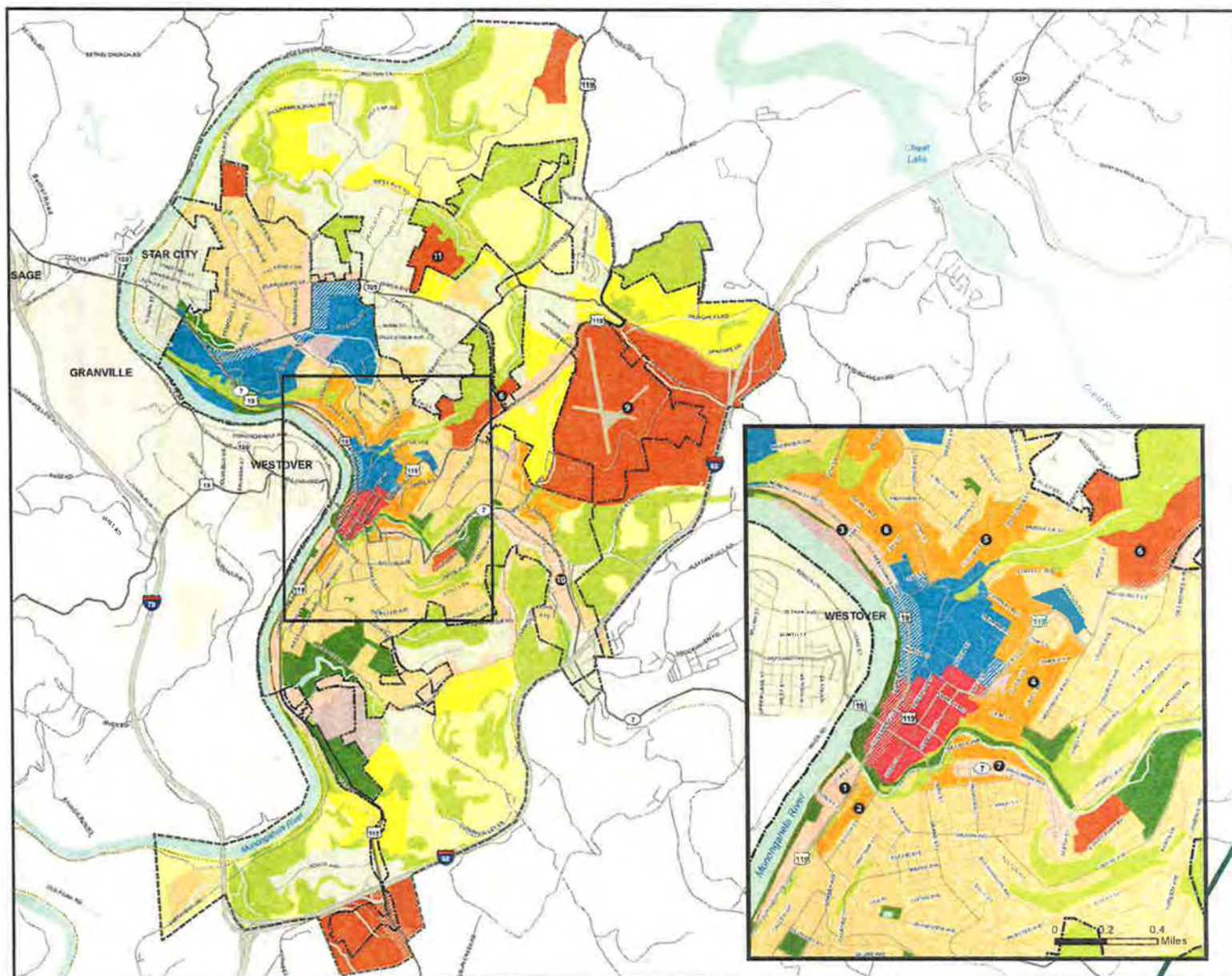
ADOPTED:

FILED:

RECORDED:

City Clerk





MAP 4
LAND MANAGEMENT

- Preserve
- Reserve
- Limited Growth
- Neighborhood Conservation
- Downtown Enhancement
- Corridor Enhancement
- WVU Campus Development
- Neighborhood Revitalization
- Infill and Redevelopment
- Encouraged Growth
- Controlled Growth/Traditional Neighborhood Area
- Developed Areas
- Roads
- Water Bodies
- Morgantown Boundary
- Study Area

Areas of Opportunity

- 1 Waterfront / Wharf District
- 2 South High Street and University Avenue
- 3 Beechurst Avenue Corridor
- 4 North Willey Street / Richwood Avenue Area
- 5 Stewart Street Area
- 6 705 University Farms Area
- 7 Brockway Avenue Corridor (Route 7)
- 8 Sunnyside
- 9 Airport Technology Park
- 10 Sabraton, Earl L. Core Rd.
- 11 University Research Park

0 0.5 1 Miles

Revised 6/24/2015

ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION FOR 26.65 ACRES, MORE OR LESS, OF ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 15-67 BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning classification of the 26.65 acres, more or less, of additional territory, which includes Parcels 19.4, 19.5, and 19.7, Tax Map 7, Morgan District, that was annexed into the City of Morgantown by Ordinance 15-67 be designated as I-1, Industrial District as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same was fully set forth herein.
2. That the Official Zoning Map be accordingly changed to show said zoning classification.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

EXHIBIT – Annexation Territory

The territory to be annexed by this Petition is the following tract or parcel of real estate, situate, lying and being in Morgan District, Monongalia County, West Virginia, more particularly bounded and described as follows, to-wit:

Parcel One – 2.93 Acres:

BEGINNING at an iron rod an original corner between land now or formerly of Kramer Turner and Millard Mayhew, and in a line of land now or formerly of Darrell J. Hoskins, thence with original Turner line, N. 6° W. 300 feet to an iron rod; thence leaving original line, N. 68° 10' E. 386 feet to a point in a private road (iron rod set 25 feet west of corner); thence with center of said private road, S. 24° 15' E. 300 feet to a point in said road (iron rod set 30 feet west of corner); thence leaving said road, S. 69° 30' W. 480.61 feet to the beginning, containing 2.93 acres, being the same, more or less, as more fully shown on a plat dated March 11, 1976, prepared by Paul W. Guseman, LLS, a copy of which is recorded in the office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book 772, at page 418.

And being the same property conveyed as "Parcel One: 2.93 acres" in a deed from East Park, LLC to Airpark, LLC of record in the office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book 1377, page 298.

Parcel Two – 10.16 Acres:

BEGINNING at a point on the Eastern side of the road, at a post in the fence line; thence S. 69° 43' W. 404.70 feet to an iron pin; thence along the dividing line with the City of Morgantown, N. 4° 38' W. 1162.26 feet to a point; thence S. 79° 38' E. 471.96 feet, along the dividing line with the City of Morgantown, to a point; thence S. 0° 34' E. 933.29 feet to the point and place of beginning, as more fully set forth on a plat of said property hereby conveyed, which plat is recorded in the office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book 806, at page 98.

And being the same property conveyed as "Parcel Two: 10.16" acres in a deed from East Park, LLC to Airpark, LLC of record in the office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book 1377, page 298.

Parcel Three – 13.56 Acres:

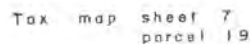
BEGINNING at an iron pin on the east side of a private road leading approximately 1/3 mile to West Virginia County Route No. 62/2, said iron pin being the point of beginning from deed from Kramer Edward Turner and Hazel Turner, his wife, to Pineview Realty, Inc., dated May 22, 1978, recorded in the office of the Clerk of the County Court of Monongalia County, West Virginia, in

Deed Book No. 806, at page 96; thence along the dividing line with said tract and residue of Hazel Turner, N. 0° 34' W. 933.29 feet to a point from which a 38 inch black oak bears S. 0° 34' E. 11.00 feet; thence along the dividing line with the City of Morgantown, DBV 365/92, S. 79° 38' E. 713.60 feet to a point at the end of a stone fence; thence along the dividing line with the City of Morgantown, DBV 368/392, S. 26° 50' E. 79.49 feet to a corner fence post; thence along the dividing line with James L. and Beverly A. Laurita DBV 778/344, S. 5° 20' 10" W. 622.16 feet to a 34 inch white oak; thence through land of Hazel Turner, passing an iron pin line reference at 69.64 feet and other iron pin line reference at 672.96 feet and the centerline of aforesaid private road at 682.96 feet, a total of S. 75° 26' 50" W. 688.52 feet to a point in the west side of road; thence along the div[id]ing line with Pineview Realty, Inc. DBV 797/103, N. 22° 42' W. 56.47 feet to a point in line of Pineview Realty, Inc. DBV 806/96; thence re-crossing road and along the div[id]ing line with said Pineview Realty, Inc., N. 69° 43' E. 18.70 feet to the place of beginning, containing 13.56 acres, more or less, as shown on a plat of survey prepared by Blaine E. Miller, LLS, recorded in Deed Book 900, at page 431.

And being the same property conveyed as "Parcel Three 13.56 acres" in a deed from East Park, LLC to Airpark, LLC of record in the office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book 1377, page 298.

All of which real estate being the same as conveyed to East Park, LLC, a West Virginia limited liability company, from The Allegheny Development Corporation, Inc., a West Virginia corporation, by deed dated April 11, 2007, and recorded in Deed Book 1338, at page 545.

Exhibit – Annexation Map



LOCATION — MORGAN DISTRICT, MONONGALIA CO WEST VIRGINIA

CONTAINING — 13 56 acres

TITLE — KRAMER EDWARD TURNER B HAZEL TURNER to
PINEVIEW REALTY INC

DATE — ^{sur.} 09/01/83 B E M SCALE — 1" = 200'
 ^{dwg} 03/02/84 M J M

BLAINE E MILLER, SURVEYOR

SPRINGS, PA 15562

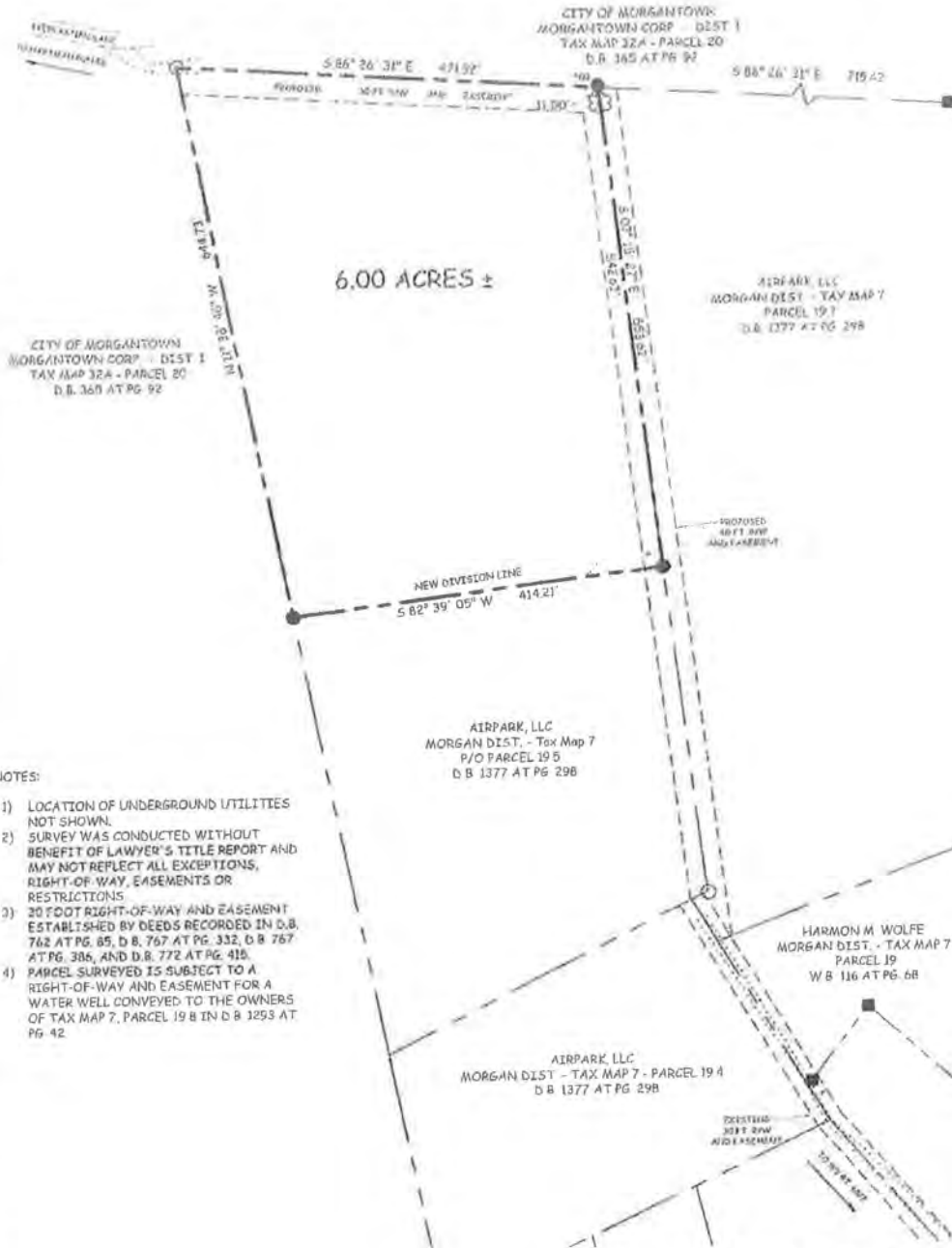


LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- RIGHT OF WAY
- EDGE OF ROAD
- APPROX. DIRT ROAD
- REFERENCE LINE
- 1/2" REBAR (RWD)
- 3/4" REBAR W/CAF (RWD)
- TREE - 65' BLACK OAK
- POINT
- FENCE POST (FWD)

Exhibit A

Being a part of the same real estate as conveyed to Airpark, LLC, from East Park, LLC, by deed dated the 3rd day of December, 2008, of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book 1377, at Page 298



NOTES:

- 1) LOCATION OF UNDERGROUND UTILITIES NOT SHOWN.
- 2) SURVEY WAS CONDUCTED WITHOUT BENEFIT OF LAWYER'S TITLE REPORT AND MAY NOT REFLECT ALL EXCEPTIONS, RIGHT-OF-WAY, EASEMENTS OR RESTRICTIONS.
- 3) 20 FOOT RIGHT-OF-WAY AND EASEMENT ESTABLISHED BY DEEDS RECORDED IN D.B. 762 AT PG. 85, D.B. 767 AT PG. 332, D.B. 767 AT PG. 386, AND D.B. 772 AT PG. 418.
- 4) PARCEL SURVEYED IS SUBJECT TO A RIGHT-OF-WAY AND EASEMENT FOR A WATER WELL CONVEYED TO THE OWNERS OF TAX MAP 7, PARCEL 19 B IN D.B. 1293 AT PG. 42.

PLAT OF SURVEY MADE FOR AIRPARK, LLC

6.00 ACRES ±
MORGAN DISTRICT - MONONGALIA CO.
TAX MAP 7 P/O PARCEL 19.5
MORGANTOWN, WV

PATRICK E. GALLAGHER, P.S. 1352

PREPARED BY:



CTL ENGINEERING OF WEST VIRGINIA, INC.

1054 Chapinville Road
Martinsburg, WV 25401
Phone: 304/291-1192
Fax: 304/291-1192

300 E. STREET
Martinsburg, WV 25401
Phone: 304/291-1192
Fax: 304/291-1192

DESIGN ENGINEERS • TESTING • INSPECTION SERVICES • ANALYTICAL LABORATORIES

DATE: AUGUST 27 2015 SCALE: 1" = 150'
DRAWN BY: JEF APPROVED BY: JBC
JOB #: 15100065MOR
DWG NAME: AIRPARK PROPERTY

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 1329.02 "DEFINITIONS" OF THE PLANNING AND ZONING CODE AS IT RELATES TO SHOPPING CENTERS.

The Morgantown City Council hereby ordains that Article 1329.02 "Definitions" of the City's Planning and Zoning Code is amended as follows (deleted matter struck through; new matter underlined):

SHOPPING CENTER – A group of retail and other commercial establishments, within one (1) or more buildings, that is planned, owned, and managed as a single property.

SHOPPING CENTER, LARGE-SCALE – ~~A group of buildings~~ One (1) or a group of buildings with a total gross floor area larger than 30,000 square feet ~~of gross floor area~~ engaged in the sale or rental of goods for consumer or household use. This type of shopping center may or may not contain hypermarkets.

SHOPPING CENTER, MEDIUM-SCALE – ~~A group of buildings~~ One (1) or a group of buildings with a total gross floor area of more than 10,000 square feet and not greater than 30,000 square feet ~~of gross floor area~~ engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service; building materials and/or supplies, sales, or rental; and food sales or markets.

SHOPPING CENTER, SMALL-SCALE – ~~A group of buildings~~ One (1) or a group of buildings with a total gross floor area of 10,000 square feet or ~~fewer of gross floor area~~ less engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service; building materials and/or supplies, sales or rental; and food sales or markets.

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

**AN ORDINANCE AUTHORIZING THE SALE OF REAL ESTATE AT STAR CITY
TAX MAP 1, PARCEL 12.1**

The City of Morgantown hereby ordains:

That the City Manager is hereby authorized to execute, on behalf of the City of Morgantown, the Quitclaim Deed attached to, and made a part of, this ordinance, together with any other documents necessary to accomplish the transfer of the property as provided in the Quitclaim Deed.

This Ordinance shall be effective from the date of its adoption.

First Reading:

Adopted:

Mayor

Filed:

Recorded:

City Clerk

QUITCLAIM DEED

This DEED is made this ____ day of _____, 2016, by and between the CITY OF MORGANTOWN, a municipal corporation and political subdivision of the State of West Virginia, as Grantor, and the RIFFLE CONTRACTING, LLC, a West Virginia limited liability company, Grantee.

WITNESSETH: That for and in consideration of the sum of ten dollars (\$10.00), cash in hand paid, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said Grantor, CITY OF MORGANTOWN, does hereby grant, convey, release, remise, and forever quitclaim unto the said Grantee, RIFFLE CONTRACTING, LLC, all of its right, title, and interest in and to the following tract or parcel of real estate, situate in the Town of Star City, Monongalia County, West Virginia, and more particularly described as follows:

Lots 9 and 10 of Block 16 as laid down and designated on the plat of Randall (now Star City) recorded in the Office of the Clerk of the County Court (now Commission) of Monongalia County, West Virginia in Deed Book number 80 at page 1.

And being a portion of the Fourth Parcel conveyed to the City of Morgantown by Seneca Glass Company in a Deed dated April 7, 1965 and recorded in the Office of the Clerk of the County Commission of Monongalia County, West Virginia in Deed Book number 633 at page 509.

This conveyance is made subject to all exceptions, reservations, easements, restrictions, rights-of-way, covenants, and conditions as contained in prior instruments of record.

The above-described real estate is entered upon the Land Books of Monongalia County for the year 2014 in Star City Corporation as follows:

City of Morgantown
Map 1, Parcel 12.1

DECLARATION OF CONSIDERATION OR VALUE:

In accordance with the provisions of Article 22 of Chapter 11 of the West Virginia Code, GRANTOR declares that the transfer made and effected by this DEED is exempt from the applicable excise taxes on the basis that the City is a political subdivision of the State of West Virginia.

WITNESS the following signature and seal:

THE CITY OF MORGANTOWN
a municipal corporation and political
subdivision of the State of West Virginia

By: _____
Jeff Mikorski

Its: City Manager

STATE OF WEST VIRGINIA
COUNTY OF MONONGALIA, to wit:

I, _____, a Notary Public in and for the County and State
aforesaid do certify that _____, who signed the foregoing writing bearing
date the ____ day of _____ 2016, for THE CITY OF MORGANTOWN, a municipal
corporation and political subdivision of the State of West Virginia, has this day in my said County
before me acknowledged the said writing to be the act and deed of said corporation.

Given under my hand and notarial seal this ____ day of _____ 2016.

{seal}

My commission expires: _____

Notary Public

Prepared by: Ryan P. Simonton (WVSB #11152), City of Morgantown, 389 Spruce Street,
Morgantown, WV 26505.

DRAFT

MEMORANDUM

TO: City Council
Jeff Mikorski, City Manager

FROM: Timothy L. Ball, General Manager, MUB

DATE: December 28, 2015

SUBJECT: **PRESENTATION TO COUNCIL**
January 5, 2016

This will serve as a read ahead to help you prepare for the first reading of the four bond ordinances during January 5 Council meeting. As you know, the debt authorized by these ordinances will fund two critical water and sewer infrastructure projects necessary to support the health and growth of our community.

A separate and related Authorizing Ordinance will be necessary, but may follow the schedule of the Rate Ordinances, and be introduced on January 19. The authorizing ordinance explicitly expresses your formal approval of the projects. Arguably, that approval is implicit in the bond ordinances, but the DEP's bond counsel insists on an explicit ordinance.

Please recall that I appeared before the Committee of the Whole on September 29 and November 24 to discuss improvement projects proposed by MUB for the water and sewer systems. The appearance on Nov 24 included a detailed public presentation, a summary of the feedback received from two months of public meetings, a public Q&A session, and submission of draft bond and rate ordinances. While many details of these projects continue to be refined, the objectives and general plans remain unchanged from these earlier discussions.

Since then, we have also conducted a special meeting of the MUB Board, for a guided tour and walk through of the proposed dam site and nearby portions of the proposed pipeline route. That meeting was well attended with about 15 members of the public (including many residents of the Cobun Creek valley), MUB's Chairman and two other Directors, 6 MUB staff persons, and a City Council member. That group spent over two hours walking the site and discussing the project.

Please recall that our objectives are to secure a reliable and robust secondary water supply and to meet regulatory and operational needs at our main wastewater plant. The resulting project plans include a new raw water reservoir and other water improvements totaling \$31.5 million, and an expansion and upgrade of the Wastewater Treatment Plant (at Star City) and other sewer improvements totaling \$90 million. The total proposed new investment in our water infrastructure is \$121.5 million.

The proposed improvements will require adjustments to the existing utility rates as follows:

Water: 33%

Sewer: 87.5%

Combined: 62.8% (example based on average residential use of 4,000 gal/month)

We do not take lightly the fact that water and sewer rates will need to be adjusted to fund these critical community projects, and we are constantly focused upon our strategic mission of protecting public health and safety at the lowest possible cost. That's why the outreach efforts have been so important.

Through the public outreach, we have:

- Described details of what is proposed
- Explained why it is needed
- Described scope and costs of alternatives considered and selected
- Conducted Q&A
- Solicited and received public comment

The outreach has included presentations and discussion at public meetings, as follows:

Sept 29	City Council Committee of Whole to announce and describe the campaign
Oct 22	Public meeting– presentation sponsored by MUB
Oct 29	Public meeting– presentation sponsored by Morgantown Green Team
Nov 2	Public meeting– presentation sponsored by MUB
Nov 9	Public meeting– presentation sponsored by Neighborhood Coordinating Council
Nov 10	Public presentation at MUB Board meeting
Nov 24	Public presentation at City Council Committee of Whole
Dec 8	Special Meeting and onsite walk at proposed reservoir

We have supplemented this meeting schedule with media interviews, a talk radio appearance, press releases, a meeting with the Dominion Post editorial board, and other appropriate outreach activities. By doing so, we have demonstrated total transparency, and have to the greatest extent possible, worked to ensure that the public is fully educated and informed about the proposed projects.

A summary of the comments that have been received is attached for your review.

You will note that there is broad support for these projects. The only concerns expressed are regarding local impacts of the reservoir project, voiced by several neighbors of our proposed reservoir property. One resident of the city also spoke in support of the Cobun Creek neighbors, stating she understands the need for the new reservoir but wants to ensure the impacts on those living in the Cobun Creek valley are negligible.

We have responded directly to these concerns; we have assured the residents of our dedication to their safety and convenience, and that we will continue to provide appropriate attention to the issues they have identified.

We suspect that two particular concerns will be expressed as you consider our requests:

First, certain downstream property owners may question the need for the raw water pipeline. The proposed raw water pipeline is important for several reasons:

- The pipeline will protect and preserve water quality, which would be at greater risk of contamination in the stream.
- The pipeline will protect and preserve water quantity, which would be at greater risk of loss in the stream.
- The pipeline, by virtue of the related permanent right of way which will be required for its route, will better ensure MUB's access to and utilization of the water, as compared to the stream and the various properties through which it meanders.

- The pipeline will better protect and preserve the stream from erosion and related sediment contamination, which might otherwise be exacerbated by MUB's releases from the reservoir to the stream.
- The pipeline (which will normally remain filled) will provide immediate, on demand delivery of water to the plant, versus varying conveyance time being required for water released from the reservoir if conveyed via the stream.

Because the proposed raw water pipeline makes the secondary water supply more reliable and responsive to the needs of our ratepayers, and best protects the water environment, it is clearly worth the investment. The main opposition to it derives from a desire by certain property owners to avoid the temporary inconvenience of its construction.

Second, others may seek to ensure recreational opportunities at the proposed reservoir. Some of the Cobun Creek property owners prefer that public recreation not be pursued there. Please recall that, although MUB may not spend ratepayer money on recreation, it is not opposed to such opportunities and is willing to delegate that function to BOPARC. MUB is even willing to pursue planning and design with BOPARC so that opportunities can be identified where reservoir features might be built in such a way as to benefit BOPARC without adding to MUB's project cost. An example might be to conduct site excavation in a way that a parking area is cleared and leveled in preparation for BOPARC's completion. Lack of funding available to BOPARC to complete or operate and maintain recreation facilities may frustrate achievement of such goals.

Pursuit of the recreational opportunities, as described above, may be worthwhile. But uncertainties about them should not impact the approval of the reservoir project. Most recreational aspects can be addressed at any point in time, even following construction of the reservoir. But the reservoir is urgently needed today, regardless of what is ever decided about recreation there.

We respectfully propose the following schedule for the Ordinances:

First Reading Bond Ordinances: January 5

Second Reading Bond Ordinances: January 19

First Reading Rate Ordinances and Authorizing Ordinance: January 19

Third Reading & Public Hearing Bond Ordinances: February 2

Second Reading & Public Hearing Rate Ord's and Authorizing Ordinance: February 2

Because the Bond Ordinances require 3 public readings, we suggest that their schedule begin one Council meeting earlier than the Rate Ordinances and the Authorizing Ordinance. Doing so will synchronize their public hearings and final votes.

We appreciate the opportunity to provide this information. I look forward to the Council meeting, and always welcome your questions in support of your deliberations regarding these important decisions.

Input received during public meetings and responses

Who 'owns' MUB?

As the state's largest publicly owned utility, MUB is essentially owned by the people of Morgantown. MUB is governed by a five member board of directors that is appointed by Morgantown City Council. The City possesses municipal oversight of MUB and retains authority to set rates and issue public debt via the ordinance process.

How much water does MUB treat a day?

On average, we treat and distribute 11 million gallons of water a day.

How much sewage does MUB treat a day?

On average, we treat and distribute 11 million gallons of sewage a day. However, this amount can increase substantially during period of rainfall.

What areas does MUB serve?

We serve more than 25,000 customer directly. Indirectly, through various public service districts, we provide service to most of the 100,000-plus residents of Monongalia County.

Where does our water come from?

On average, 85% of Morgantown's water comes from the Monongahela River while an additional 15% comes from the Cobun Creek Reservoir.

What is MUB currently doing to protect our drinking water?

We have been engaged in a host of activities. This includes everything from regular testing, monitoring of the MIP gas wells (LINK), and a very active and comprehensive source water protection program. In the near future, we'll be making public various components of the source water protection program.

You may also recall that during the last few years we upgraded our water treatment plant. We incorporated a world-class membrane filtration system, installed more efficient pumps, increased the plant's capacity to meet future growth needs, and designed the plant for easy future upgrades.

What is the size of Morgantown's watershed?

Our watershed is 1.6 million acres spread across 11 West Virginia counties.

What are the threats to Morgantown's water resources?

Morgantown Utility Board, along with its partner Downstream Strategies, has mapped more than 16,000 Potential Significant Contaminant Sources (PSCSs) in our watershed. You can view this map along with a host of related information by visiting mub.org/BeTheSolution and following the links.

All of these PSCSs are included in a Threat Matrix which scores each according to toxicity of what's stored, amount of chemicals stored, proximity to our water treatment plant, the time it will take for a spill to reach our water treatment plant, and more.

It's important to understand that our watershed includes two zones. The first, the Zone of Critical Concern (ZCC), is the area in which a substance will reach our water treatment plant in five hours or less. Our ZCC is 12,500 acres in size.